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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,  
LINDSAY ELIZABETH, and HEATHER  
HENDER, individually and on behalf of others  
similarly situated,

Plaintiffs,

v.

NIKE, INC., an Oregon Corporation,  
Defendant.

Case No.: 3:18-cv-01477-JR

REDACTED DECLARATION OF AMY  
JOSEPH PEDERSEN IN SUPPORT OF  
DEFENDANT NIKE, INC.'S MOTION TO  
EXCLUDE THE OPINIONS OF  
PLAINTIFFS' EXPERT, DAVID  
NEUMARK, PH.D.

REQUEST FOR ORAL ARGUMENT

**DECLARATION OF AMY JOSEPH PEDERSEN**

I, Amy Joseph Pedersen, hereby declare as follows:

1. I am an attorney licensed by the Bar of the State of Oregon and Special Counsel with the law firm of Stoel Rives LLP, counsel of record for Nike, Inc. (“Nike”) in the above-captioned matter. I make this declaration in support of Nike’s Motion to Exclude the Opinions of Plaintiffs’ Expert, David Neumark, Ph.D. I have personal knowledge of the facts contained in this declaration, or know of such facts by my review of the files maintained by Stoel Rives LLP in the normal course of its business, and if called upon to do so, could and would competently testify thereto.

2. On August 31, 2021, counsel for Nike took the deposition of Plaintiffs’ expert, David Neumark, Ph.D. in this action. A true and correct copy of excerpts from the transcript of Dr. Neumark’s deposition is attached hereto as **Exhibit A**.

3. On November 28, 2020, counsel for Nike took the deposition of Plaintiff Kelly Cahill in this action. A true and correct copy of excerpts from the transcript of Ms. Cahill’s deposition is attached hereto as **Exhibit B**.

4. On January 29, 2021, counsel for Nike took the deposition of Opt-In Plaintiff Paige Azavedo in this action. A true and correct copy of excerpts from the transcript of Ms. Azavedo’s deposition is attached hereto as **Exhibit C**.

5. On January 11, 2021, counsel for Nike took the deposition of Plaintiff Lindsay Elizabeth in this action. A true and correct copy of excerpts from the transcript of Ms. Elizabeth’s deposition is attached hereto as **Exhibit D**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 4th day of April, 2022, at Portland, Oregon.

*s/ Amy Joseph Pedersen*

Amy Joseph Pedersen

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

\_\_\_\_\_  
)  
KELLY CAHILL, SARA JOHNSTON, )  
LINDSAY ELIZABETH, and HEATHER )  
HENDER, individually and on )  
behalf of others similarly )  
situated, )

Plaintiffs, )

vs. )

No. 3:18-CV-01477-JR

NIKE, INC., an Oregon )  
Corporation, )

Defendant. )  
\_\_\_\_\_)

VIDEOTAPED REMOTE DEPOSITION OF DAVID NEUMARK, Ph.D.  
San Francisco, California  
Tuesday, August 31, 2021  
Volume I

Reported by:

CATHERINE A. RYAN, RMR, CRR

CSR No. 8239

Job No. 4778006

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1 Q Okay. And do you know if women in job 09:30:24  
2 code A1046 were paid statistically significantly  
3 less than men in job code A1046 during the class  
4 period?

5 A I -- I don't know the result of -- I don't 09:30:47  
6 know the answer to that question for -- for that job  
7 code, if one studied that job code, which I think is  
8 the phrase you used, in isolation, no.

9 Q Okay. Is there anywhere in your report  
10 that I could look to find the answer to the question 09:31:09  
11 of whether women in job code A1046 were paid  
12 statistically significantly less than men in job  
13 code A1046 during the class period?

14 A So I present an aggregate analysis that  
15 average<sup>s</sup> estimates, in effect, across all job codes. 09:31:34  
16 It is, of course, meant to be descriptive of what is  
17 happening in different job codes. The extent to  
18 which it is is reflected in part in the statistical  
19 significance of that coefficient, but there is not a  
20 specific estimate for that job code in isolation. 09:31:49

21 Q Okay. So, in other words, there is  
22 nowhere in your report where I could look to find  
23 the answer to the question of whether women in job  
24 code A1046 were paid statistically significantly  
25 less than men in job code A1046 during the class 09:32:13

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1 same, that your report does not tell me whether 09:42:24  
2 women are paid statistically significantly less than  
3 men within that same job code, correct?

4 A The important qualification would be the  
5 more you ask me about it, the more my report does 09:42:38  
6 speak to that directly because obviously my estimate  
7 is representative of job codes and women and men.  
8 But in isolation, correct.

9 Q Correct. Right.

10 So Sara Johnston, another named plaintiff, 09:42:53  
11 worked in job code A0692.

12 I can't find in your report anywhere  
13 whether women in job code A0692 were paid  
14 statistically significantly less than men in job  
15 code A0692, correct? 09:43:12

16 MR. KAN: Objection. Asked and answered.  
17 Lacks foundation.

18 THE WITNESS: Well, I mean, I'm -- I'll  
19 take as -- as true the -- the job you said she  
20 worked in. And, again, my -- you know, the -- as 09:43:27  
21 the evidence from an aggregate model is informative,  
22 but it does not specifically answer the question of  
23 what you would get if you studied that job code in  
24 isolation, by which I mean throwing out all of the  
25 other data. 09:43:42

1 MR. KAN: Objection. Vague and ambiguous. 09:53:58

2 THE WITNESS: Can I just ask you to --

3 when you say did I do any analysis of jobs, can I

4 just ask you to explain if you have something

5 specific in mind? 09:54:07

6 MS. DAVIS: Sure.

7 Q Did you learn anything about the content

8 of any of Nike's jobs that made you feel confident

9 that grouping job subfamily and job level together

10 was properly grouping employees who performed 09:54:25

11 substantially similar work?

12 A So I did not do any what is called "job

13 analysis," which is not something people in my field

14 do, ~~so~~. I hope I'm defining it correctly as what

15 industrial organization psychologists do. I did not 09:54:41

16 observe work. I did not talk to workers or anything

17 of that sort.

18 I relied on Dr. Lundquist's opinion on

19 this, and that is her area of expertise, to my

20 understanding, and I would say I relied secondarily 09:54:58

21 on things Nike said -- I think they're cited in this

22 paragraph. They may be cited elsewhere -- about

23 this being the way in which they organize work

24 and -- you know, and think about -- about workers

25 having similar skills, et cetera. 09:55:17

1 the standards for an equal pay claim, first, 09:58:01  
2 obviously, but -- and that not -- and I -- and I --  
3 and I am aware of the fact that not every difference  
4 about a job under the sun, you know, has to be held  
5 constant for an equal pay claim, but I'm -- you 09:58:15  
6 know, this strikes me as reasonable, and, again, I'm  
7 -- look, first and foremost, I'm basing this on --  
8 on the other expert's conclusion because this is  
9 what she does and, as far as I understand, what she  
10 was hired to do, to -- to assess this question. 09:58:29

11 Q So I'm just trying to figure out if you  
12 relied on anything else.

13 So you relied on Dr. Lundquist's report,  
14 I'm assuming; is that right? Is that how you  
15 learned of Dr. -- Dr. Lundquist's opinion? 09:58:45

16 A I relied on the conclusion from her  
17 report, which was -- which was conveyed to me by the  
18 attorneys, and<sup>later</sup> I simply verified it in the place I  
19 was told it appeared. I did not -- I didn't assess  
20 her -- I didn't read her report. I didn't assess 09:59:00  
21 her report. I don't do job analysis. I don't have  
22 expertise in what she does.

23 Q Okay. You didn't really read  
24 Dr. Lundquist's report?

25 A No, except as just to get -- except just 09:59:11



1 to verify that conclusion was stated the way -- as 09:59:15  
2 relayed to me and where so I could say where it  
3 shows up.

4 Q Okay. Approximately when were you  
5 informed that Dr. Lundquist's conclusion was that 09:59:24  
6 the proper grouping of employees for analysis would  
7 be the interaction of job subfamily and level?

8 A I'm glad you said "approximately."  
9 So I'm going to say approximately early to  
10 mid-July. 09:59:48

11 Q And other than Dr. Lundquist's conclusion  
12 or opinion that was conveyed to you by counsel in  
13 early to mid-July, did you rely on anything else to  
14 support your conclusion that the interaction of job  
15 subfamily and level is the appropriate way to 10:00:15  
16 analyze employees at Nike?

17 MR. KAN: Objection. Asked and answered.

18 THE WITNESS: As I said, there are some --  
19 there are some -- there are some materials from Nike  
20 documents that I cite -- I believe in the same 10:00:30  
21 paragraph and maybe elsewhere. I can't recall at  
22 the moment -- that suggest that this is the  
23 architecture or the structure that they use to  
24 organize jobs, which struck me as reasonable and  
25 consistent with what Dr. Lundquist ultimately 10:00:44

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1 Is -- is there anyplace in your report 10:11:58  
2 that I can see whether women in the business  
3 operations, lead professional grouping that you've  
4 created were paid statistically significantly less  
5 than men in the business operations, lead 10:12:14  
6 professionals grouping during the relevant class  
7 period?

8 A So, again, I estimate an aggregated model.  
9 The aggregated model is informative about job codes  
10 because the gender gap is identified within job -- 10:12:28  
11 sorry. I'm using "job codes." I'm looking for a  
12 shorthand -- is -- is representative of job  
13 subfamily, job level interactions because all the  
14 gender gap is identified within those unique  
15 combinations of job subfamilies and job levels, but 10:12:43  
16 there is no analysis of any of those unique pairs in  
17 isolation.

18 Q Okay. Is there a page I can look at in  
19 your report that will tell me whether women in the  
20 business operations, lead professionals grouping are 10:12:59  
21 paid statistically significantly less than men in  
22 the business operations, lead professionals grouping  
23 during the relevant class period?

24 MR. KAN: Objection. Asked and answered.

25 THE WITNESS: There are lots of pages that 10:13:14

1 report those results from the aggregate analysis, 10:13:16  
2 which, as I said, is informative. There are no  
3 pages or tables -- I guess those are the same --  
4 which study the data for that subfamily level pair  
5 in isolation, i.e., discarding all of the other 10:13:27  
6 data.

7 BY MS. DAVIS:

8 Q And I assume if I grabbed any one of the  
9 other 900 groupings and asked you the same question,  
10 you would not be able to point to a page or tell me 10:13:42  
11 where in your report I could find a result for that  
12 specific job subfamily level grouping; is that  
13 correct?

14 A I would give you the exact same answer,  
15 yes. 10:13:55

16 Q Okay. Did you run any analysis by job  
17 subfamily level interaction?

18 MR. KAN: Objection. Vague and ambiguous.

19 THE WITNESS: Again, my -- my answers  
20 previously, I -- I interpreted the same as about 10:14:15  
21 this, although I could see where, you know, it  
22 wasn't specifically the same.

23 So I did not do separate analyses by  
24 unique pairs of subfamily<sup>and</sup> levels.

25 //

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1 BY MS. DAVIS: 10:15:51

2 Q Did you do any analysis to determine  
3 whether any of the job subfamily level groupings  
4 were large enough or had sufficient magnitude or  
5 precision to run an analysis on their own? 10:16:04

6 A No, I made -- I made a decision that at  
7 this stage I would present the aggregate analysis  
8 because I think it is the most reliable.

9 Q If I asked you to determine whether women  
10 in any particular job subfamily or level inter- -- 10:16:26  
11 strike that. Let me start over again.

12 If I asked you to determine whether women  
13 in any particular job subfamily level interaction  
14 are paid statistically significantly less than men  
15 in that same job subfamily level interaction, would 10:16:46  
16 you be able to do that?

17 A As I said, mechanically you can do it, as  
18 long as you can actually estimate there's enough  
19 observations, and a couple other conditions have to  
20 hold to be able to actually estimate the gender gap 10:17:03  
21 for that -- I think you used "combination" or  
22 "interaction." I forget which word you used. You  
23 could do that. As I said, it would get -- you know,  
24 it would be informative for the bigger ones, and  
25 there would sure -- there surely would be some with 10:17:18

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1 analysis for your other example, childcare workers, 10:28:39  
2 correct? So there's no way for me to tell by  
3 looking at your report whether female childcare  
4 workers are paid statistically significantly less  
5 than male childcare workers, correct? 10:28:50

6 A There -- there is not a specific analysis  
7 of any function, family, or subfamily in isolation,  
8 throwing out all the other data.

9 Q Right.

10 And, in fact, your analysis reports one 10:29:02  
11 result for all of the jobs, correct?

12 A No, I wouldn't say that. I have a lot of  
13 regression estimates for a lot of different periods  
14 and a lot of different subperiods. It's an  
15 aggregate model. It varies by whether I include 10:29:23  
16 only subfamily or subfamily -- subfamily and level  
17 interactions, but it is an aggregate model, as I've  
18 explained, and I've explained why.

19 Q Right.

20 So the aggregate model gives me one result 10:29:37  
21 for all of the jobs in the analysis, correct -- one  
22 average result for all of the jobs, right?

23 A Yes, but it's important to understand that  
24 it is -- the variation is identified, as we say,  
25 within -- I'll use the word "job" loosely, and 10:29:54

1 hopefully we can agree that's going to mean 10:29:57  
2 subfamily times level interaction, just so I don't  
3 have to keep saying that.  
4 It's identified from the variation within  
5 that, but in a regression model -- in an aggregated 10:30:08  
6 model, that within-job gender gap is constrained to  
7 be the same across all the jobs, and that's --  
8 that's in order to gain precision and reliability.  
9 Q All right. So the result for childcare  
10 workers, if I'm looking at Table 2, column 4, for 10:30:26  
11 example -- you want to go there? It's on page --  
12 A One second.  
13 Q -- page 54 of your report.  
14 A Fifty-four?  
15 Q Yep. 10:30:38  
16 A Okay. I'm there.  
17 Q All right. Column 4, panel C, log of base  
18 pay and PSP bonuses.  
19 Are you there?  
20 A Yes. 10:30:47  
21 Q All right. So column 4 is the interaction  
22 of -- represents the estimated gender differences in  
23 pay using the control we talked about, which was the  
24 interaction of subfamily and job level, correct?  
25 A Right. 10:31:05

1 Q All right. And you report, in panel C1, 10:31:06  
2 female shortfall of [REDACTED], correct?  
3 A Correct.  
4 Q And you say that the implied dollar  
5 shortfall is [REDACTED], correct? 10:31:19  
6 A Correct.  
7 Q Okay. And you have a 9.55 standard  
8 deviation, correct?  
9 A Yes.  
10 Q So that result is for childcare workers, 10:31:35  
11 accountants, designers, security people, facilities  
12 workers. You report one result for every job,  
13 correct, as an average?  
14 A I report one result. I -- you know, I --  
15 I understand what I mean by that average. It's -- 10:31:58  
16 and as we discussed, there's not an implication that  
17 it would be exactly the same for every one of those  
18 categories that you just went through. The  
19 statistical significance --  
20 Q Right. 10:32:10  
21 A -- of it -- and it's strong -- speaks to  
22 that estimate being precise and not varying  
23 tremendously across individuals or job.  
24 Q Okay.  
25 A But, again, it would be -- it would -- I 10:32:25

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1 fully expect it to be, you know, quite well 10:32:27  
2 representative of the larger and more precise job  
3 codes. I would also expect that there would be a  
4 small number of job code with imprecise estimates  
5 largely from small numbers of people for which it 10:32:36  
6 doesn't provide as good a representation, but that's  
7 why we average, to get better estimates when we have  
8 very small cells.

9 Q Right.

10 And there's nowhere I could look in your 10:32:47  
11 report to actually find out what the results were  
12 for accountants, for childcare workers, for  
13 facilities workers, right, for security? There's no  
14 -- nothing in your report tells me what the -- the  
15 answer for each of those groupings is, correct? 10:33:02

16 A Nothing tell- -- nothing in the report  
17 tells you that answer for -- for one -- for any one  
18 group in isolation, throwing out all of the other  
19 data.

20 Q Okay. And there are some groups of 10:33:12  
21 employees, right -- if we're talking about the  
22 subfamily level interaction, there are some groups  
23 that have only women, correct?

24 A I don't know, but it wouldn't surprise me  
25 if there are some smaller groups for which that is 10:33:29



1 true. 10:33:31

2 Q Okay. And certainly if a group only had  
3 women, there would be not a pay shortfall for women  
4 within that group, correct?

5 A Well, that's actually a more subtle 10:33:40  
6 question than it might seem. I mean, certainly if  
7 you give me -- I think you used the word "group"  
8 now; so that's fine. We'll use the group to mean  
9 subfamily level interaction.

10 Q That's fine. 10:33:53

11 A If you say can I estimate -- can I take  
12 the data just for that group and can I estimate a  
13 gender gap, the answer is no, of course you can't.  
14 ~~It's like~~ I can't identify <sup>it</sup>.

15 That doesn't mean women -- I think what 10:34:04  
16 you said, though -- correct me if I'm wrong -- could  
17 there be a female pay shortfall. As a labor  
18 economist would think about it, there could be  
19 because if my estimate is an accurate

20 characterization of employee behavior -- of -- of 10:34:19  
21 the firm's behavior with respect to setting pay,  
22 then women may be getting paid less because they're  
23 women. And I don't mean not only if there's men in  
24 the job. I mean, a different woman -- someone could  
25 become CEO, and that person could be female, and if 10:34:34

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1 BY MS. DAVIS: 10:35:31

2 Q How could I tell in your report where --

3 which women fall within a job subfamily level group

4 that have no men?

5 A You can't tell that in my report. 10:35:40

6 Q Okay. Is it your testimony that even

7 women who are in the -- a job subfamily and level

8 with no men -- so it's a group that is a hundred

9 percent made up of women -- that those women also

10 have a [REDACTED] pay shortfall? 10:36:03

11 A Well, I mean, in terms of what the model

12 says, they -- they do. I mean, the model -- you

13 know, every model makes an assumption, the models --

14 the models you have in mind or the models I have --

15 the models I estimate. The model I estimate assumes 10:36:20

16 a uniform gender pay gap.

17 Now, it's true that, you know, when it

18 comes to adjudicating equal pay claims, I realize

19 the shortfall you're talking about, you know,

20 that -- that may not exist, and, again, that's a 10:36:33

21 legal question.

22 It's also true, though, that, as a

23 statistical matter, because the gender pay gap is

24 only identified within a job group -- you know, the

25 same interaction we've been talking about -- that, 10:36:50

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1 you know, those -- those women actually don't -- the 10:36:54  
2 women -- your hypothetical women in the job code  
3 with only women do not actually contribute to that  
4 estimate. That's what it means to have a  
5 within-job-code estimate -- job group estimate. 10:37:03

6 Q Okay. Got it.

7 But I can't tell from your report which  
8 women that would -- would be included in that group,  
9 right?

10 That's what you told me earlier. 10:37:17

11 A I mean, if you include the data that came  
12 along with my report, then, yes, you could tell it,  
13 but there's not a table or figure in my report that  
14 documents that.

15 MS. DAVIS: Okay. Let's take a break. 10:37:28

16 MR. KAN: All right. Thank you.

17 THE WITNESS: How long?

18 THE VIDEOGRAPHER: We're going off the  
19 record. The time is 10:37.

20 (Recess.) 10:37:35

21 THE VIDEOGRAPHER: We're back on the  
22 record. The time is 10:51.

23 BY MS. DAVIS:

24 Q All right. Dr. Neumark, did you review  
25 any documents during the break? 10:51:54

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1 stop. There's an iterative procedure of asking how 11:11:06  
2 well the algorithm actually keeps predicting how

3 close together words or phrases are. So it -- you  
4 know, basically, you make sure you can predict well  
5 which words and phrases appear together, and those 11:11:22  
6 are -- are viewed as computationally -- as  
7 linguistically similar.

8 And then, you know -- and if you look at  
9 what these things spit out, they are. You know,  
10 now, it's an algorithm, right. No algorithm is 11:11:36  
11 perfect. That's why we call them "algorithms."  
12 Algorithms are ways to -- to make sense of data by  
13 reducing dimensionality a lot. They obviously  
14 cannot capture the individual variation case to case  
15 to case because that's the whole point. The whole 11:11:51  
16 point is -- is to shrink or reduce the  
17 dimensionality of what you're studying.

18 Q And so is the purpose or is your attempt,  
19 then, to create clusters of job titles that are  
20 similar to one another? 11:12:08

21 A Well, I mean, mechanically they're similar  
22 in the sense in which I just described. The goal is  
23 that conceptually they actually are. There's a  
24 clear recognition that they won't always be, you  
25 know. And there will be exceptions, and that's -- 11:12:27

1 that's what data shrinkage or reduction is all 11:12:31  
2 about.

3 Q What amount -- what percent of exceptions  
4 do you think would be acceptable for the clusters to  
5 actually be reliable for the analysis you use them 11:12:41  
6 for?

7 A So there's -- there's actually no way to  
8 answer that question directly or -- or, I mean,  
9 decisively, I should say. I can answer it directly.  
10 I just did. And that's because, remember, the 11:12:52  
11 reason you're doing an algorithm is because if you  
12 and I sat down -- let's say not with 15,000 because  
13 that would be sort of impossible. But suppose we  
14 sat down with a hundred randomly chosen -- of these  
15 randomly chosen job classifications, and you and I 11:13:09  
16 independently were asked to kind of put them in ten  
17 clusters, let's say -- just choosing a number -- of  
18 related jobs, right. Now, there's some we would  
19 clearly agree on, right, because some would be, you  
20 know, almost the same. Some would be -- well, we'd 11:13:24  
21 usually get rid of the abbreviations and stuff. But  
22 there's clearly some we wouldn't. You know, we  
23 might -- some might be -- we might both have  
24 reasonable views, but they would differ, and there  
25 probably would be some that kind of don't fit at 11:13:34

1 all, right, but since our assignment was to put them 11:13:37  
2 in some cluster, we've got to put them in somewhere,  
3 and they get put the place that's closest. It  
4 doesn't mean it's -- it's not matching. It's not a  
5 perfect match. It's not -- it's not meant to be. 11:13:49

6 But the idea of doing it this way as  
7 opposed to some subjective assessment is -- you  
8 know, I -- it's clearly important <sup>in</sup> research, and I  
9 would argue it would be in legal work too. It's  
10 replicable and -- and -- and transferable, you know. 11:14:06  
11 I can tell your folks exactly what I did. They can  
12 run the same code and get out the same results.

13 If we're going to get in the game of, you  
14 know, let me subjectively decide which jobs to  
15 cluster with which clus- -- you know, with which, 11:14:17  
16 and I'm going to keep running the regression and see  
17 what comes out of it, and then I'm going to choose  
18 the ones that just give me the answers I want, well,  
19 certainly in the research world that's a no-no and  
20 something that's undesirable, and I think it would 11:14:27  
21 be here too. But there's no question you're going  
22 to find some things that look odd, right, and it's  
23 going to be -- I mean, it's probably going to be  
24 jobs that a- -- you know, there aren't a lot of  
25 people in, but not necessarily, but there -- you 11:14:40

1 know, but there would be exceptions. 11:14:43

2 And that's one reason I maintain in my

3 report doing it the other way, which I -- you know,

4 which I have done more in earlier analyses where I

5 literally string match and make a lot of separate 11:14:52

6 variables for -- for job titles that are literally

7 described exactly the same way. But the problem

8 there is, you know, you can't do that for every

9 single job title because you run out of

10 observations. So I do what everyone does. And, 11:15:08

11 again, it's subjective exactly where to cut it off.

12 I go down to cells with ten -- ten or more or more

13 than ten observations, and then I end up with a

14 catchall category of all the other ones.

15 And although you can surely find 11:15:23

16 exceptions for my clustering that may look odd, the

17 catchall category -- and in the case of job titles,

18 it's 70 percent of them. There's no -- there's

19 nothing that imposes any similarity on them, an

20 algorithm like that. 11:15:39

21 So, you know, better or worse? I kind

22 of -- obviously, the one I feature in my main

23 **vs.** tables, the appendix tables, is the one I prefer,

24 but I think they both have legitimacy and they both

25 show qualitatively the same answer, anyways. 11:15:51

1 are -- these are what people entered, right. So 11:22:42  
2 there may -- there may be some fuzziness between,  
3 you know, what you would call a job ti- -- I mean, I  
4 -- you know, I'm not sure everybody thinks about  
5 their job in terms of a job title versus a job 11:22:51  
6 description. It's what people wrote.

7 Q Fair enough.

8 But you didn't -- you didn't take into  
9 account the part on a resumé where people describe  
10 in a narrative format what the job is that they did, 11:23:04  
11 right? You just took the title, however the  
12 applicant typed it into the system, correct?

13 A We tried to do it as best as we can, yes.

14 Q Okay. Got it.

15 And just to be clear, you did not use as 11:23:18  
16 an input the description of the job that the  
17 applicant may have typed in, correct?

18 A I believe that is correct. Yes, I don't  
19 -- I don't recall -- I believe that is correct.

20 Q Okay. Can you point to any academic 11:23:34  
21 studies that cluster on job titles alone and not job  
22 descriptions?

23 A So I -- I -- I don't have a specific  
24 reference that does -- that clusters exactly on job  
25 title. I would say this is a new area of research, 11:24:00



1 and labor economists are just starting to use these 11:24:05  
2 machine-learning techniques to, you know, basically  
3 -- and what are you doing here, basically? You're  
4 turning -- you know, we've been studying numbers as  
5 data for a long time, but now that text are machine 11:24:16  
6 readable, we're trying to figure out how to study  
7 text as data. And people are starting to do this in  
8 different labor economics contexts, including me,  
9 but I don't know of somebody who has done  
10 specifically what I have done, just similar 11:24:32  
11 approaches, not the same concept.

12 Q Right.

13 And you cite a footnote, 61, in your  
14 report to an article that you are a coauthor on  
15 called "Does Ageist Language in Job Ads Predict Age 11:24:48  
16 Discrimination in Hiring"?

17 A Correct.

18 Q Do you see that?

19 A I do.

20 Q Okay. And that -- that -- your work on 11:24:55  
21 that project looks at job advertisements, correct?

22 A Yes.

23 Q And it includes the description of the job  
24 in the analysis, correct?

25 A But that's -- that's very germane to the 11:25:13

1 question we're asking in that paper. That paper is 11:25:16  
2 about looking for stereotype phrases in job  
3 descriptions. So it had -- it wouldn't --

4 Q Right.

5 In job -- 11:25:24

6 A It wouldn't make any sense if we didn't  
7 look at job descriptions.

8 Q Right.

9 The paper wouldn't have made sense if you  
10 didn't look at job descriptions, right -- 11:25:31

11 A Mm-hmm.

12 Q -- right?

13 THE REPORTER: Is that "Yes"?

14 BY MS. DAVIS:

15 Q Do you -- and didn't you -- 11:25:41

16 Sorry. Did you say "yes"?

17 THE REPORTER: I'm sorry. Did you say  
18 "yes"?

19 THE WITNESS: Me?

20 THE REPORTER: Correct. I heard "mm-hmm" 11:25:48  
21 as an answer.

22 THE WITNESS: Oh, I think I did.

23 BY MS. DAVIS:

24 Q And -- and just again, you're not aware of

25 anyone who has used this analysis purely on job 11:25:57

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1 honestly don't remember looking, you know -- looking 11:34:17  
2 -- looking at this -- in this format exactly. But  
3 it's --

4 Q Okay. So on the first page, we have just  
5 a first list of jobs in cluster zero. 11:34:42

6 Do you see that?

7 A I do.

8 Q Okay. And you said that here -- what  
9 we're trying to do here is group jobs that are  
10 similar, correct? 11:34:54

11 A Yes.

12 Q Okay. So you see in cluster zero we have  
13 client accountant.

14 Do you see that?

15 A Mm-hmm. Yes. Sorry. 11:35:04

16 Q We also have vice -- vice president,  
17 supply chain strategy.

18 Do you see that?

19 A I do.

20 Q Do those jobs seem similar to you? 11:35:14

21 A I've de- -- I've defined what "similar"  
22 means. They're -- they tend to get used in -- you  
23 know, in the same place in the corpus. I've also  
24 noted that there will be exceptions. Anybody could  
25 go through this and say, Oh, here's one that looks 11:35:30

1 odd, and here's one that looks odd. And that 11:35:32  
2 doesn't surprise me at all, you know, but you can't  
3 run a regression -- there must be 300 pages times --  
4 well, there's -- there's about 15,000 of these. You  
5 can't run a regression on 15,000 of them. These 11:35:42  
6 are --

7 You know, I'm using two different ways to  
8 try to grapple with this issue of trying to capture  
9 some of the richness of experience. You know,  
10 anything feasible in a system or model is going to 11:35:55  
11 have an issue like this. Some things don't fit as  
12 well. One -- you know, what you don't have in this  
13 table -- and, I mean, I don't -- one could have  
14 printed it out. I don't know if we -- it's in our  
15 data, obviously, even if we didn't produce an Excel 11:36:09  
16 with it, is -- is how many people are in these  
17 clusters, right, how important is this. I can't  
18 tell that here because that's not in this table.

19 Q Okay. We'll take a look at that next, but  
20 I'd just like to -- I mean, you're using these 11:36:22  
21 clusters because you've said that these jobs are --  
22 you believe these jobs are similar, and you're using  
23 it in your analysis, correct?

24 A They're --

25 Q Correct? 11:36:34

1	A      They're similar in the way in which I	11:36:35
2	define them.  They fit better.  The two highlighted	
3	yellow ones that I can see on the page now fit	
4	better using the method I described with these jobs	
5	than with other jobs.	11:36:46

6                   If you want to say, Are they identical?  
7       Of course not. That's -- I mean, I boiled 15,000  
8       job titles into 20 clusters. That's obvious,  
9       they're not identical.

10	Q	Yeah, it is obvious. Okay. Let's go to	11:36:59
11		the next page. Lead -- lead trainer, fitness	
12		instructor is also in cluster zero.	

13 Do you think Nike would treat lead  
14 trainer, fitness instructor, vice president, supply  
15 chain strategy, and client accountant as similar 11:37:16  
16 prior experience coming to Nike?

17           A       I mean, I -- I don't know exactly what  
18       Nike does. I don't know how much Nike  
19       differentiates these different kind of jobs. I can  
20       tell you, you know, just to -- you can -- you can       11:37:33  
21       see -- not so much for the client account, whatever  
22       that said, but for the others, you know, you can see  
23       why these are treated as linguistically similar,  
24       because one has vice president. One has lead. You  
25       know, these are -- so, remember, the similarity can       11:37:46

1 be higher because of a subset of the words in a 11:37:49  
2 phrase, and, as you mentioned before, you know,  
3 levels have sort of leadership kind of things in  
4 some of the titles. So that's -- you know, that's  
5 why they're being treated as somewhat similar. 11:38:01

6 Again, it doesn't capture all the  
7 richness. There's another approach that captures  
8 more that had, you know, other benefits, other  
9 costs, and this is another one.

10 Q Dr. Neumark, you put this analysis in your 11:38:14  
11 report and have -- and are going to present it to  
12 the court --

13 A Yeah.

14 Q -- as a legitimate way to group prior job  
15 experience before coming to Nike. So I would like 11:38:24  
16 to know why you believe it is accurate that lead  
17 trainer, fitness instructor should be grouped with  
18 vice president, supply chain strategy.

19 How are you going to explain that to the  
20 court? 11:38:39

21 A I'm going to --

22 MR. KAN: Objection. Argumentative.

23 THE WITNESS: I'm going to give the same  
24 explanation I've given you, that this is a data  
25 reduction technique. I won't go through everything 11:38:49

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1 I said again. It inevitably is going to group 11:38:52  
2 things together -- it's inevitably going to lead to  
3 some things that don't match as well.

4 You know, I would note that you're  
5 highlighting a row here and there, right, and you're 11:39:03  
6 skipping over a lot of rows. I see on the page I'm  
7 looking at technician, technician, technician,  
8 technician, technician, and that's what it's doing.

9 And there are exceptions. You know, if someone  
10 wants to do it with 30 clusters and see if the 11:39:14  
11 answer differs, I -- you know, I'm quite confident  
12 it won't because adding detail relative to no  
13 clusters increased the gender gap, but, you know,  
14 there's -- this is -- it's a data reduction  
15 technique. 11:39:29

16 And if you really dislike it, the other  
17 one uses string matching, which, you know, for the  
18 common jobs will -- will never group things together  
19 that don't go together, but will obviously lead to a  
20 lot of other ones that don't go together. 11:39:44

21 But there's no other way to do this. And  
22 I should say, you know, it's important to say that,  
23 you know -- this is -- these 20 clusters or the,  
24 whatever it is, 240 separate experience terms I use  
25 in the other analysis -- this is way beyond the 11:39:57

1 level of detail that labor economists in their 11:40:00  
2 research use to study discrimination. Now, why?  
3 Because typically, in labor economics research, we  
4 don't have this kind of rich company data. We have  
5 survey data on workers or firms. 11:40:14

6 So the fact that the text -- there are  
7 scores of papers where people conclude there's  
8 discrimination from controls. Maybe it's just a  
9 good experience measure with no reference to the  
10 type of job people did, but just an accurate measure 11:40:29  
11 of how long they'd been working.

12 I'm adding a lot of detail. One could add  
13 somewhat more and still have a feasible strategy.  
14 I've chosen the number of clusters I chose for  
15 reasons explained in my report. One can't possibly 11:40:43  
16 incorporate all the detail. It's simply not  
17 possible.

18 BY MS. DAVIS:

19 Q Well, Dr. Neumark, you're incorporating  
20 detail, but if the detail doesn't mean anything, 11:40:51  
21 it's not helpful, correct?

22 MR. KAN: Objection. Argumentative.

23 THE WITNESS: I think that's -- I think  
24 that's a mischaracterization of how I view the  
25 evidence and how I would, as you say, present it to 11:41:04

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1 other people. Again -- 11:41:08

2 BY MS. DAVIS:

3 Q Well, if --

4 A -- an individualized exception -- an  
5 individualized exception does not make -- make it 11:41:12  
6 meaningless. It just means that, yes, you found  
7 that individualized exception, and, of course,  
8 there's some.

9 Q Okay. Well, let's go -- let's look at  
10 cluster one. It starts on page 21. 11:41:29

11 A I'm almost there. Hang on. Okay.  
12 Twenty-one. Yep.

13 Q All right. So you said before I just  
14 found a few examples. Let's look at cluster one.  
15 Let's look at the jobs cluster one groups together 11:41:46  
16 that you represent are similar: Library page,  
17 footwear, student, BIAA Jordan apparel, Nike CIS,  
18 VP, deckhand, Spanish-English G.E.D. tutor, nanny,  
19 CEO, handyman, loss prevention, armory chief,  
20 journeyman, bank teller, sign painter, KMA arbor 11:42:16  
21 [sic] crewman, ITEE -- IT ETS, penetration tester,  
22 senior SAPBI, tennis captain, model, master black  
23 belt, caregiver.

24 Do these jobs seem similar?

25 A Well, obviously not. These are -- this 11:42:40

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1 is, I would imagine -- I haven't read the whole list 11:42:44  
2 recently. You know, this is -- I will -- I'm going  
3 to take a wild guess that there aren't a lot of  
4 people who apply to jobs at Nike who were a KMA  
5 armor crewman, whatever KMA is, or were deckhands or 11:43:01  
6 were penetration testers. I don't know what that is  
7 either.

8 And remember: You have to go somewhere.  
9 So this may well be a cluster that plays a role  
10 similar to that catchall category when you use the 11:43:14  
11 more -- I'll call it more conventional string  
12 matching, but don't assign separate experience  
13 categories for the job titles that show up  
14 infrequently.

15 Now, you know, I would also venture a 11:43:28  
16 guess, not for every one of these, but, you know --  
17 well, yeah, that's all I'll say. That's all I can  
18 say. That -- this is -- this is exactly what you'd  
19 expect to happen. There are 15,000 job titles, and  
20 they're not -- you know, obviously a lot of people 11:43:44  
21 apply to Nike, have -- and any other big company,  
22 you know, a lot of them have somewhat similar  
23 backgrounds, I'm sure, but there's going to be  
24 people all over the map. And that's the kind of  
25 stuff reflected here. 11:43:57

1 A I don't know that that's true. 11:44:53

2 Q Okay. Can you point to any other expert,  
3 any other labor economist who has ever used a  
4 cluster analysis like this on job titles alone?

5 A I already -- I already said I'm not aware 11:45:12  
6 of a paper that has done something on job titles  
7 alone in this context, but, again, that is by no  
8 means a statement it **hasn't** ~~has~~ happened. This is a  
9 very -- this is a new and evolving area of research.

10 So every -- 11:45:28

11 Q How about using --

12 A -- every week I get my National Bureau of  
13 Economic Research, you know, list of new working  
14 papers, and there's, very commonly, you know, a new  
15 paper using something like this in all -- frankly, 11:45:38  
16 in all sorts of different contexts, but certainly  
17 many in labor.

18 Q Right. But I'm asking a very specific  
19 question.

20 A Mm-hmm. 11:45:49

21 Q Can you point to any other experts, any  
22 other labor economist who has ever used a cluster  
23 analysis on job titles alone?

24 A I -- I'm not aware of that per se, but it  
25 doesn't mean it doesn't exist. I have not done an 11:46:02

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1 exhaustive search of all work, and, as I said, 11:46:04  
2 because a lot of it is unpublished, that's very hard  
3 to do because it's new.

4 Q Got it. All right.

5 So let's look at cluster 15. These are 11:46:11  
6 some examples of the jobs that have been clustered  
7 into cluster 15. Just on the first page, we've got  
8 cofounder/cohost, movement instructor, head trader,  
9 head basketball coach, IT officer, universal  
10 associate, intercompany accountant, quality 11:46:36  
11 supervisor, plant accountant, college administrative  
12 assistant, postgraduate teaching fellow, senior  
13 accountant, cofounder, managing member,  
14 representative, assistant women's basketball coach,  
15 vice president logistics, front desk attendant. 11:46:57

16 Do those jobs seem similar to you?

17 A I'm going to say the same thing. They're  
18 -- they're obviously -- they're obviously not the  
19 same. They're -- obviously some of them are  
20 unrelated, but this is -- this is the way the 11:47:14  
21 algorithm works. You know, there's -- there's a lot  
22 of jobs that are similar. You're, for obvious  
23 reasons, skipping over all of those. And there are  
24 some that aren't. And that's the nature of data  
25 reduction, and you'd have the same problem with the 11:47:29

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1 other approach. You know, I capture a lot of 11:47:31  
2 detail, and you don't get all of it, and you can't  
3 get all of it.

4 Q Right.

5 Just to clarify -- because you just 11:47:38  
6 mischaracterized what I did. I didn't skip over  
7 any. I read from the first line of cluster 15  
8 through almost the bottom of the page. So I did not  
9 selectively read anything. I read every single one.  
10 Don't mischaracterize what I've done. 11:47:52

11 MR. KAN: Objection. Cluster 15 goes  
12 beyond page 239 and continues for what I believe is  
13 another 50 pages or several more pages.

14 MS. DAVIS: Right. We could read them  
15 all, but I didn't -- we could read them all, but I 11:48:04  
16 didn't selectively read entries. I read from the  
17 very first one.

18 THE WITNESS: You didn't highlight yellow  
19 ones that you thought were more different? I don't  
20 get to ask questions. 11:48:16

21 BY MS. DAVIS:

22 Q I just highlighted them, so I -- yeah, I  
23 get to ask the questions. I highlighted ones so it  
24 would catch my eye. I'm happy to go to any page on  
25 here and talk to you about them, but I think you've 11:48:27

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1 some standardization. So if by the same job title 11:49:39  
2 you mean identical, then yes. If it's slightly  
3 different, most of the time, but, again -- you know,  
4 I didn't -- I didn't -- I haven't read the whole  
5 corpus of Wikipedia to do the coding. 11:49:52

6 So -- so -- so small deviations, you know,  
7 things that are on the margin, can be taken to  
8 different -- can be assigned to different clusters.  
9 It shouldn't happen a lot. It shouldn't happen  
10 systematically, and I hope it doesn't, but it can 11:50:07  
11 happen occasionally.

12 Q All right. Why don't you go to page 15 of  
13 Exhibit 222.

14 A 15. Okay.

15 Q All right. On page 15, you'll see in red 11:50:19  
16 account management rep is in cluster zero.

17 Do you see that?

18 A I do.

19 Q Okay. Go to page 79.

20 A Okay. 11:50:40

21 Q Okay. Do you see account management  
22 representative is in cluster 5?

23 A I do.

24 Q Okay. You would agree that those are the  
25 same job titles, correct? 11:50:52

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1 particular one we missed, and I would assume -- I 11:53:05  
2 don't know if it ever happens, but if the word "rep"  
3 and "representative," again, with no periods showed  
4 up that way, this might happen in other cases. Now,  
5 maybe they don't -- maybe that never happens with 11:53:18  
6 the same two words in front of it; maybe it does.

7 Q Could you try to just answer my question?  
8 I think it will go faster.

9 So my question is: The spelling of the  
10 word defines the cluster, not the job content, 11:53:30  
11 correct?

12 MR. KAN: Objection. Asked and answered.

13 THE WITNESS: Well, if what you're saying  
14 is the slight difference in spelling, I would -- I  
15 would dispute that because most of the time we would 11:53:43  
16 have caught that and standardized it. Obviously, it  
17 is the letters that are in the job title that are  
18 used, not, you know, the feeling you have when  
19 you're on the job, which is in the resumé.

20 BY MS. DAVIS: 11:54:02

21 Q Right. It's not your job duties or the  
22 content of your job.

23 Well, let's just take a look at a few  
24 other examples. So if you go to page 21 --

25 A Okay. 11:54:17

1 Q -- you see VP in cluster one. 11:54:17  
2 Do you see that?  
3 A I do.  
4 Q You -- if you go to page 113 --  
5 A Page 113, okay. 11:54:31  
6 Q -- you see vice president in cluster 7,  
7 correct?  
8 A Mm-hmm.  
9 Q "Yes"?  
10 A Yes. Sorry. Yes. Mm-hmm. 11:54:44  
11 Q That's the same job title in two different  
12 clusters, correct?  
13 A I would say that's another -- that's a  
14 standardization that should have -- that should have  
15 been made. Whether it was because of the space 11:54:54  
16 between the V and the P, I don't know for sure. I  
17 don't have the code memorized.  
18 Q Okay. My question is: That is the same  
19 job title in two different clusters, correct?  
20 A I switched the page, but one was V space P 11:55:07  
21 and one was vice president, right?  
22 Q Yes.  
23 A Yes, for the reason I explained.  
24 Q Okay. If you go to page 26 --  
25 A Okay. 11:55:28



1 Q -- do you see SR space SWE in cluster 1? 11:55:29

2 A I do.

3 Q And you understand that means senior

4 software engineer, correct?

5 A I mean, probably. I'm less confident than 11:55:43

6 I am about VP being vice president, but that seems

7 reasonable.

8 Q Okay. You go to page 232 --

9 A Okay.

10 Q -- do you see the word -- the title senior 11:56:00

11 software engineer in cluster 14, correct?

12 A I do.

13 Q Okay. If you go to page 284 --

14 A Am I looking for red? Okay.

15 Q -- you see the title SNR software engineer 11:56:23

16 in cluster 18, correct?

17 A I do.

18 Q Okay. The same job title in three

19 different clusters, correct?

20 A Probably in the second two, for sure. 11:56:36

21 Yeah, those are standardization issues

22 that -- they weren't all caught. You know, you can

23 -- the nature of this is -- you can see how long

24 this document is: 301 pages. I'm sure one can find

25 refinements. Isolated cases like these in no way 11:56:53

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1 implies that it has any material impact on the 11:56:57  
 2 estimates, and I'm skeptical it does, very skeptical  
 3 it does.

4 Q How would you know? How would you know?  
 5 How would you test if it had a material difference? 11:57:04

6 A How would I test?  
 7 Oh, I would -- I would -- I would probably  
 8 spend more time, if permitted, to -- or ask someone  
 9 else to spend more time or maybe you'll do it and  
 10 then I'll use whatever your experts produce -- to 11:57:19  
 11 take, let's say, these clear -- you know, where  
 12 there's a clear case like VP, V space P in vice  
 13 president, and I would say these -- certainly these  
 14 second two, and we can call -- throw the first one  
 15 in there too for senior software engineer, that 11:57:34  
 16 someone said these are -- these are probably the  
 17 same, and I would look at them and say, Okay. I'm  
 18 willing to assume they're the same. I would then  
 19 redo the calculations, and you'd get -- you know,  
 20 you'd get some people assigned -- you know, some 11:57:48  
 21 small number of people assigned to different  
 22 clusters.

23 But, you know, why don't I think it  
 24 matter<sup>s</sup>? Because the clustering doesn't even matter.  
 25 Even if I don't control for type of experience, I 11:57:58

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1 fit well. And that's -- you know, we understand 11:59:23  
2 that, but the proof is not in the pudding there.

3 You know, the question is -- these are --  
4 you know, you have not highlighted these all in red  
5 or all in yellow for obvious reasons, because a lot 11:59:33  
6 of this works well, and there are exceptions that  
7 don't fit as well. And, you know, could one refine  
8 it a little more, you know, and move a few of these  
9 jobs around that probably are the same job that got  
10 assigned to different clusters? Sure. Does that 11:59:47  
11 mean it would make any difference? Absolutely not.

12 And the fact that, you know, you -- your  
13 assumption was I have meaningless clusters, that  
14 these don't mean anything and, therefore, I can't  
15 conclude anything from having clustered the jobs 12:00:01  
16 into 20 or, you know, choose your number, instead of  
17 just treat them all as just the same experience, but  
18 that's a gross mischaracterization because, I mean,  
19 I'm looking above the page you have me -- you left  
20 me on, page 284. A lot of these jobs sound similar. 12:00:14  
21 A lot of these jobs sound similar, and there's way,  
22 way, way, way more. So I would defend it strongly.

23 Q All right. Well, yeah, let's look at that  
24 page, 284. Is that where you said you were?

25 A Yes. I would say that was the last senior 12:00:36

1 software engineer. 12:00:38

2 Q Yeah. So there we've got senior software

3 engineer on page 284 in cluster 18. If you go to

4 page 287, you've got junior software engineer, also

5 in cluster 18. 12:00:56

6 Do you see that?

7 A Let me jump pages. One second. 287?

8 Q Yep.

9 A I do.

10 Q All right. And then on 288, you've got 12:01:07

11 intermediate software engineer and also in cluster

12 18.

13 A Mm-hmm.

14 Q Right?

15 A Mm-hmm. 12:01:15

16 Q "Yes"?

17 A Sorry. Yes.

18 Q You have to answer using words.

19 A I mean -- sorry -- yes.

20 Q Okay. So these are all software engineers 12:01:22

21 all in cluster 18, correct?

22 A Yes.

23 Q Okay. We had -- junior software engineer,

24 intermediate software engineer, senior software

25 engineer are all in cluster 18, correct? 12:01:37

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1 A Correct. 12:01:39

2 Q Okay. But the titles, at least, suggest

3 different levels of experience, correct?

4 A Yeah, this is a data reduction technique.

5 I'm not accounting for every unique job title, but 12:01:52

6 they all say software engineer, which, to go back to

7 your example, is different from that.

8 Q Right. But they --

9 A The character- --

10 Q But their -- 12:02:04

11 A Is --

12 Q They differ -- hold on. Let me ask my

13 question. Hold on. Let me ask my question.

14 Yes, they all say software engineer, but

15 the levels of experience for a junior, intermediate, 12:02:11

16 and senior software engineer would be different;

17 would you agree with that?

18 A Yes, they're not -- they're not identical.

19 That's what I've said. That's what the clustering

20 is all about. 12:02:23

21 Q Right.

22 So for someone being hired into a software

23 engineer job, that would matter, right? It would

24 matter if someone had five years of experience as a

25 junior software engineer, five years of experience 12:02:34

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1 as an intermediate software engineer or five years 12:02:37  
2 of experience as a senior software engineer,  
3 correct?

4 A It might.

5 Q Okay. And your clustering doesn't account 12:02:45  
6 for that, correct?

7 A You -- this particular dimension you've  
8 highlighted for these particular entries, it treats  
9 them as the same.

10 My other analysis -- I don't know, sitting 12:02:57  
11 here, whether these were -- had ten or more people  
12 in these cells or not. So I don't know if these got  
13 treated separately or not. But, for sure, the other  
14 analysis is a different partition of jobs by prior  
15 experience, and that's why I say there is -- there 12:03:14  
16 is no perfect answer to this question if you want to  
17 try to capture some detail of people's prior --  
18 people's prior jobs, which is a good motivation to  
19 do two quite different approaches.

20 Q So does it also suggest that if there's no 12:03:31  
21 perfect answer, that it's not possible to accurately  
22 capture people's prior experience in a model?

23 A Well, if you thought that was true, then  
24 we'd probably have to throw out, you know, 2,000  
25 published labor economics papers. 12:03:47

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1 is answering your question over and over again. 12:05:55

2 MS. DAVIS: I'm asking the same question  
3 over and over again because I'm not getting an  
4 answer.

5 MR. KAN: If you don't like his answer, 12:06:03  
6 that's not his -- his or the witness's problem. The  
7 witness is here to answer the question that you --  
8 you pose to him to the best that he can. That's  
9 what he's been doing all morning, and I don't think  
10 it's appropriate or -- 12:06:15

11 MS. DAVIS: It's not.

12 MR. KAN: -- professional for you to try  
13 to attack him, to impugn that he is somehow avoiding  
14 your questions. He is not. He's here to answer  
15 your questions, and he's doing that. 12:06:25

16 MS. DAVIS: The record -- the record  
17 speaks for itself.

18 Q Dr. Neumark, does your cluster analysis  
19 assume that junior software engineer, intermediate  
20 software engineer, and senior software engineer are 12:06:34  
21 the same prior experience?

22 A I'll -- I'll -- I'll -- I'll start my  
23 answer hopefully without saying the same thing, and  
24 it's a short answer, but I'll give my whole answer.

25 For those three specific phrasings, yes. 12:06:49

1 I've already confirmed that. 12:06:51

2 But -- and the rest of my answer was very  
3 short, shorter than that whole discussion. I see  
4 just below this -- I see other titles with senior  
5 engineer or senior engineering or SR eng- -- and, 12:07:00  
6 you know, senior full stack engineer. I don't --  
7 those are all engineers. Some of them are senior.  
8 I don't know that there are intermediate engineers  
9 of those types or junior engineers of those types in  
10 the same cluster or not, but those are still senior, 12:07:15  
11 and those are still engineers.

12 Q Your cluster variables have one  
13 coefficient for each cluster, correct?

14 A Two because there's a square  $\lambda$  and -- the  
15 linear and square  $\lambda$  term. 12:07:34

16 Q But your -- your clusters return a  
17 coefficient -- one coefficient for each cluster,  
18 correct?

19 A Well, it's one -- one pair of  
20 coefficients. I mean, all jobs in the cluster are 12:07:53  
21 treated -- experience of all jobs in the cluster is  
22 treated the same. There are two coefficients  
23 because there's both a linear and a quadratic or  
24 squared term.

25 Q Okay. Fair enough. 12:08:09

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1 sense, put in a measure, or multiple measures if 13:19:36  
2 they showed up on multiple rankings, of the quality  
3 of the school.

4 So that just -- instead of just kind of  
5 control and feature them separately, that imposes 13:19:44  
6 some kind of scale, if you will, on the quality of  
7 the school, the person ~~who~~ got the highest degree <sup>from</sup>.

8 Q Okay. Did you do any analysis of degree  
9 subject, for example, degree in math or engineering  
10 or English? Did you account for any of those 13:20:11  
11 differences in your analysis?

12 A No, I haven't done -- I have not done  
13 field-of-study kind of assignments here.

14 Q Okay. Why not?

15 A You know, one could. It's not -- 13:20:30  
16 there's -- I had -- I had -- you know, I had to  
17 prioritize what I thought was most important.

18 As I said, the -- you know, the workhorse  
19 labor economics is quantity of schooling. So  
20 highest degree is essentially -- essentially a 13:20:42  
21 quantity of schooling, although not measured in  
22 years of schooling. There's a lot of attention to  
23 school quality. I rank that as a somewhat higher  
24 priority. Also, it's something that, I mean, I  
25 think perhaps most importantly, would not 13:20:56

1 necessarily be reflected in prior experience in any 13:21:02  
2 way; whereas, what you studied might be and what you  
3 got your major in versus what you took a lot of  
4 courses in, you know, might be two different things.  
5 You might -- so -- so someone might not have a 13:21:14  
6 computer science major but done a lot of computer  
7 science, for example, and, therefore, we'll see that  
8 reflected in their experience. So not ~~just~~ **that** a field  
9 doesn't potentially provide additional useful  
10 information, but it was lower priority in a world 13:21:28  
11 where I couldn't necessarily do everything under the  
12 sun.  
13 Q Okay. Did you just run out of time to do  
14 it, or was it never your intention?  
15 A Yeah, I made a -- I mean, rec- -- I 13:21:40  
16 didn't -- I didn't run out of time. Having some  
17 sense, going in, how long these things take, I made  
18 an early decision that I wasn't going to.  
19 Q Got it.  
20 And in any of your education analysis, did 13:21:54  
21 you take into account the schools or places of  
22 education that may be important to Nike or that Nike  
23 may preference in hiring or in placing employees in  
24 a job level or in pay?  
25 MR. KAN: Objection. Compound. Vague and 13:22:14

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1       ambiguous. 13:22:15

2               THE WITNESS: So I have no direct

3       information. I don't know if any has been provided

4       at all about what those preferences might be. I

5       mean, I would -- I would -- I would find it -- well, 13:22:29

6       I don't know. I mean, I -- I think most employers

7       like -- you know, all else the same, value better

8       schools more than not-as-good schools. I don't know

9       if they have other preferences than that. So I

10      thought the rank- -- I would assume the rankings to 13:22:41

11      be relevant, but that's a guess.

12              But, again, in my estimation -- and I use

13      this information to study starting pay, current pay,

14      i.e., class period pay and -- and starting job

15      levels. So my analysis is basically letting the 13:22:55

16      data tell me how Nike values those.

17              So if women went to way better schools

18      than men and Nike didn't care about that, well, then

19      adding those quality controls presumably wouldn't do

20      anything to the gender gap. If women went to way 13:23:13

21      better schools than men and Nike did value that,

22      then controlling for it would probably make the

23      gender gap increase, and obviously you could tell

24      the opposite story because I'm -- I'm just

25      hypothesizing here. 13:23:24

1 small for-profits. It doesn't -- you know, it 13:37:11  
2 doesn't surprise me in retrospect that, I mean --  
3 that at least some of these aren't on these lists  
4 because I don't think most -- I'll leave it at that.

5 I don't -- it doesn't surprise me. 13:37:23

6 Q Okay. I don't think that was the question  
7 I asked, but let me go back and look.

8 A Okay. We can try again.

9 Q Yeah.

10 So did you consider whether a company like 13:37:36  
11 Nike that designs and produces clothing,  
12 accessories, athletic wear might care that an  
13 employee or an applicant has a degree from a design  
14 or an art school?

15 A Sorry. Yes. So I -- I started on that 13:37:54  
16 answer, but then I think I got -- I got sidetracked.

17 So I did not consider it directly. My  
18 point about the distribution or allocation of  
19 employees was meant to say, you know, I don't -- I'm  
20 not aware that they have a lot of design employees 13:38:08  
21 at the company. They have a lot of other people,  
22 but I did not consider it directly.

23 Q Do you know how many design employees Nike  
24 employs?

25 A Sitting here, no. I could compute, it, 13:38:22

1 but I don't know it, sitting here. 13:38:24

2 Q So if all of the design and art schools

3 are not listed on the rankings or your three ranking

4 lists, then they're all going to go into that

5 catchall category, correct? 13:38:42

6 A Correct.

7 Q Right.

8 So someone who graduates -- are you

9 familiar with the Parsons School of Design in New

10 York City? 13:38:53

11 A I've heard of it, sure.

12 Q Okay. So very prestigious design school,

13 right?

14 A I believe so. I -- I know more about the

15 architecture side. So I have no idea what they have 13:39:05

16 to do with designing shoes, but they might, or --

17 Q Okay.

18 A That's just --

19 Q Right. Clothing?

20 A -- based on the people I know, not any 13:39:12

21 more knowledge than that.

22 Q Okay. You're familiar with the Rhode

23 Island School of Design, correct?

24 A Not as -- not as much as Parsons, but I've

25 heard of it. 13:39:24

1 Q Okay. It's also considered a very 13:39:26  
2 prestigious art and design school, correct?

3 A I don't know that.

4 Q All right. What about the Fashion  
5 Institute of Technology in New York? 13:39:33

6 A I've heard of that.

7 Q Okay. You would agree that that is a  
8 prestigious fashion and design school, correct?

9 A I don't know. I don't know my design  
10 schools very well. I just know I've heard of it. 13:39:45  
11 But I had a daughter who lived in New York; so I may  
12 have just heard it a lot because of that, but I  
13 don't know.

14 Q Okay.

15 A It's -- 13:39:54

16 Q Right.

17 And your analysis doesn't -- your analysis  
18 assumes those schools are the equivalent of any  
19 other unranked school throughout the -- throughout  
20 the world, actually? 13:40:03

21 A That shows up in the data.

22 Q Right. Yes?

23 A Yes. Sorry. Yes, as long -- well, I was  
24 qualifying your answer. Yes, among those that show  
25 up in the data. 13:40:19

1 education -- 13:54:03

2 A Mm-hmm. Give me one second.

3 Q -- you cite an art- -- sure.

4 A Just a second. That's in the appendix,

5 right? Okay. I'm there. 13:54:11

6 Q All right. You cite an article titled "Is  
7 it where you go or what you study, the relative  
8 influence of college selectivity and college major  
9 on earnings."

10 Do you see that? 13:54:29

11 A I do.

12 Q Okay. In footnote 83, you describe this  
13 study as, quote, "...research tying college quality  
14 to earnings, using rankings of colleges."

15 Do you see that in your footnote? 13:54:48

16 A Well, the sentence says: "There is  
17 academic research tying college quality to earnings,  
18 using rankings of colleges." So I wouldn't say  
19 that's a -- maybe we're splitting hairs here. I  
20 wouldn't say that's a full description of the paper, 13:55:04  
21 and obviously the title is there. It's a -- it's  
22 a -- it's meant to say: Here is an example of  
23 somebody tying college quality to earnings using  
24 rankings. It's --

25 Q Right. You -- 13:55:17

1           A     -- which is a -- which is a char- -- a           13:55:18  
2     correct characterization of the paper.

3           Q     Okay. Well, before -- today earlier, I  
4     thought you told me that there's really not that  
5     much of a correlation between the college ranking           13:55:31  
6     and earnings.

7           A     What I said is -- what I said -- and I  
8     believe this is a correct summary of the literature.  
9     It's not something I've studied on my own, but that  
10    there is research studying things like school           13:55:46  
11    selectivity. Sometimes it's a different thing, like  
12    the really selective schools versus the others, and  
13    there is some evidence that, you know, the really  
14    selective schools might offer a higher return than  
15    the other schools.           13:56:00

16                I'm not aware that there's, you know,  
17    strong empirical evidence saying sort of this, you  
18    know, continuous ranking of, you know, school 200 to  
19    300 on whatever ranking makes a big difference, but  
20    I'm -- I hope I stated that with enough -- well,           13:56:13  
21    whatever. Not so firmly -- I was not giving you a  
22    summary of the hundred papers I've read, because I  
23    haven't done that. I don't even know if there's a  
24    hundred papers, but I think that's a fair  
25    characterization of what the evidence says that           13:56:31



1 I'm ... 13:56:34

2 Q All right. Is it a fair characterization

3 -- did you read this article before you cited it in

4 your paper?

5 A I looked through it. I didn't read it 13:56:39

6 cover to cover.

7 Q Oh, you didn't. Okay.

8 Is it a fair characterization of the

9 article that the study looks at earnings by college

10 major, not by the school attended? 13:56:55

11 A Well, I didn't -- I certainly didn't

12 review -- I don't -- I don't remember because I

13 certainly didn't review it for the deposition, but

14 my recollection is it looks at both.

15 Q Okay. Your analysis did not look at 13:57:12

16 major, correct?

17 A That's right. Let me just clarify it.

18 You know, sometimes school will tell you something

19 about major. Like, if you went to MIT, you probably

20 got an engineering degree, but no explicit 13:57:32

21 independent measure of major.

22 Q Well, but MIT has math degrees. MIT has a

23 lot of different degrees. That's not really an

24 accurate statement, is it?

25 A Well, it tells you something about major. 13:57:44

1 I'm sure there's a higher share of engineering 13:57:46  
2 undergrads at MIT than at anything that's not an  
3 engineering school anyway. I said it says something  
4 about it.

5 Q All right. 13:57:56

6 A There's information there.

7 Q All right. A lot of things say something  
8 about something else, right. Does it -- I guess  
9 that's not really what an expert opines on, but  
10 that's fine. 13:58:05

11 All right. I guess I just wanted -- you  
12 did read the article, "Is it where you go or what  
13 you study" before you finalized your report or you  
14 -- you looked through it; is that your testimony?

15 MR. KAN: Objection. Asked and answered. 13:58:38

16 BY MS. DAVIS:

17 Q Go ahead.

18 A I looked through it, yes.

19 Q Okay. Your model also does not include  
20 professional licenses in its education or experience 13:58:59  
21 controls, correct?

22 A That's right.

23 Q Are you aware that the article we were  
24 just discussing titled It's where you go -- "Is it  
25 where you go or what you study" actually says that 13:59:42

1 your major matters more than the school you attend 13:59:48  
2 for jobs like STEM-related jobs?

3 A I -- I don't remember. I -- I obviously  
4 read that, but I wasn't -- A, I didn't review it.

5 And, B, I wasn't -- I wasn't citing this as a 14:00:06

6 defense of looking at rankings and not looking at  
7 the field of study. I was simply citing it, as the  
8 first sentence says, as an example of somebody using  
9 rankings, and there are other papers, some -- some  
10 measure of school quality in an earnings-type 14:00:20  
11 regression. That's the only reason I cited it.

12 Q Yeah, but it says something else. That's  
13 fine. The paper says what it says, and you've told  
14 us --

15 A The paper -- I don't cite it with respect 14:00:33

16 to the conclusion. I cite it with respect to the  
17 approach -- the paper -- the paper could have found  
18 the opposite. They could have found they were both  
19 important. It could have found neither was

20 important. But the approach was to include a 14:00:45

21 ranking measure and see if it affected earnings, and  
22 I cited it as an example of doing that.

23 Q Right.

24 A That's it.

25 Q Okay. Let's go to paragraph 64 of your 14:00:55

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1 correct? 15:03:33

2 A I have never -- I have not, in this  
3 report, ever discussed the determination of which  
4 <sup>you</sup>subfamily<sup>^</sup>are hired in, which is what I control for  
5 in column 2, as related to discrimination. Whether 15:03:50  
6 other evidence might be introduced in the future  
7 that suggests it is, I might -- I might -- I might  
8 go back to that differently, but at this point, no.

9 Q Column 3 does add job level, correct?

10 A Yes. 15:04:04

11 Q Right.

12 And then column 4 is the interaction of  
13 job subfamily and job level, correct?

14 A Yes.

15 Q Between columns 3 and 4, which one do you 15:04:16  
16 believe is the most accurate or most appropriate to  
17 use in this case?

18 MR. KAN: Objection. Vague and ambiguous.

19 THE WITNESS: I think -- I think what I  
20 say and I show here is that column 4 is probably 15:04:30  
21 more appropriate for equal pay claim, and that's  
22 based -- you know, we discussed this before, but  
23 princ- -- you know, reason number one would be  
24 Dr. Lundquist's opinion that -- that subfamily times  
25 level interactions <sup>are</sup>~~have~~ the appropriate level of 15:04:46

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1 analysis -- unit of analysis for an equal pay claim. 15:04:49  
2 It turns out column 3 estimates are almost the same,  
3 but that's neither here nor there.

4 BY MS. DAVIS:

5 Q Yeah. They're almost the same, but 15:04:57  
6 they're not identical?

7 A Right.

8 Q So -- right.

9 So what -- so can you just explain in --  
10 you know, I'm not an expert like you, so in the 15:05:06  
11 easiest, simplest way you can, the difference  
12 between column 3 and column 4?

13 A Sure.

14 So column 3 -- forget about all the other  
15 controls, just as -- education, you know, age, all 15:05:19  
16 that stuff. There's -- column 3 has subfamily  
17 controls, and that allows the wages to differ  
18 systematically by subfamily ~~or by the subfamily~~  
19 ~~algorithm~~. Some are paid more; some are paid less.

20 And it allows pay to differ systematically by level. 15:05:35  
21 But because there aren't interactions, though, the  
22 differences between -- just call it level one and  
23 level two, level three and four, et cetera, are  
24 constrained to be the same for each subfamily.

25 There's -- there's -- there are -- so there are -- 15:05:50

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1 (Recess.) 15:48:39

2 THE VIDEOGRAPHER: We're back on the  
3 record. The time is 4:01.

4 BY MS. DAVIS:

5 Q All right. Let's look at Table 7 in your 16:01:20  
6 report, page 59.

7 A I have it.

8 Q Okay. Does Table 7 represent your  
9 analysis of the gender differences in starting pay  
10 from January 2012 through September 21, 2019, but 16:01:37  
11 including the job experience clusters or job title  
12 clusters in the education analysis we discussed  
13 earlier today?

14 A Yes, and as a result, it's a somewhat  
15 smaller sample. 16:01:57

16 Q What's more understandable?

17 A I'm sorry. What?

18 Q Oh, you said it's a somewhat smaller  
19 sample?

20 A Yes. 16:02:12

21 Q Got it. Sorry. I misheard you.

22 Okay. And did you run -- I'm assuming the  
23 answer is no. But did you run Table 7 for the time  
24 period 2016 through September 1st, 2019?

25 A No. 16:02:56

1 Q Did you run Table 7 for the period 2017 16:02:59  
 2 through September 1st, 2019?

3 A No.

4 Q Did you run Table 7 for the period 2018  
 5 through September 2019? 16:03:10

6 A No, but that's pretty close to ~~common~~  
 7 ~~sense~~.

8 Q Right.  
 9 But not -- not 2017 through September 1st,  
 10 2019, correct? 16:03:33

11 A Oh, I thought you said 2018. That's why I  
 12 said it was close.

13 No, I didn't -- I didn't do those  
 14 subperiods.

15 Q Table 8. 16:03:47  
 16 What does Table 8 represent?

17 A So Table 8 is -- I'm going back to the  
 18 class period, or at least the -- I think what -- the  
 19 maximum period -- the maximum sample I used for a  
 20 class period, maximum date range, August 9th, 2015, 16:04:11  
 21 to September 1, 2019, as in Table 2, but I do it for  
 22 the subsample from Table 2 for which I have these  
 23 applications data.

24 So the table we were just talking about  
 25 was starting pay, but now I'm basically going back 16:04:30

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1 Q Did you run a merit pay increase for the 16:15:59  
2 period 2018 through September 1st, 2019?

3 A No.

4 Q Your merit pay increase analysis shows  
5 that when you are looking at the dollar amount of 16:16:20  
6 merit pay increase in the differences between men  
7 and women, if you use the individual controls plus  
8 the job subfamily but do not control for level, it  
9 shows a [REDACTED] percent shortfall for women,  
10 the standard deviation of 1.62; is that accurate? 16:16:47

11 A Yes.

12 Q And are those results statistically  
13 significant and adverse to women?

14 A Not -- they're not -- that -- you said  
15 plural. That's a singular result. It is not 16:17:02  
16 statistically significant at the 5 percent level.  
17 It is statistically significant at about the 11  
18 percent level.

19 Q Do you believe that that result is an  
20 indicator of discrimination against women? 16:17:18

21 A I mean, it's a negative estimate. It's  
22 close to statistically significant, and the -- the  
23 estimate above it in levels is more strongly  
24 statistically significant.

25 So, you know, I mean, I'm reporting the 16:17:33

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1 results and whether -- you know, in the -- you know, 16:17:36  
2 one estimate among many that is a little more weakly  
3 significant than the 5 percent standard courts often  
4 use. Whether that undermines -- whether that's  
5 viewed as supporting or not supporting the story is 16:17:48  
6 really not for me to decide, but I'm just -- I'm  
7 reporting the numbers and the standard deviations,  
8 and I don't think I say anything different in my  
9 report.

10 Q You told me earlier that you were 16:18:00  
11 qualified to opine on whether discrimination caused  
12 the pay discrimination gap or the pay -- pay  
13 difference gap that you allegedly report. So I'm  
14 just asking you for your same opinion with respect  
15 to this number. 16:18:16

16 Are you able to provide a response?

17 A Yeah, this is -- this is consistent with  
18 it but not as strongly statistically significant.

19 Q Okay. And how about when you control for  
20 job level? When you control for the interaction of 16:18:30  
21 job subfamily and level, is there evidence there of  
22 discrimination?

23 A So those estimates are positive, not  
24 negative, which means that once I look within job  
25 level as well, women are not getting smaller merit 16:18:44

1 increases, and what this table highlights is that 16:18:48  
2 merit in- -- you know, the merit increases -- it's  
3 -- it's -- what you can see here is that it's the  
4 presence of women in lower job levels that creates a  
5 disadvantage with respect to merit pay increases, 16:19:03  
6 not -- and it's not different merit increases within  
7 the same level.

8 Q What you can see here is that when you're  
9 looking at women and men in the same job subfamily  
10 and level, women actually receive larger increases 16:19:16  
11 as a dollar amount and they receive larger  
12 percentage increases than men, correct?

13 A That is what -- that's what I just said, I  
14 believe, yes.

15 Q Okay. Let's look at Table 10. 16:19:34  
16 Table 10 appears to be a promotions  
17 analysis you completed for the time period January  
18 1st, 2013, through September 1st, 2019; is that  
19 accurate?

20 A It is. 16:19:57

21 Q Did you do a promotions analysis for the  
22 period 2014 through September 1st, 2019?

23 A I don't think I did this for narrower  
24 subperiods like that.

25 Q Did you do a promotions analysis for the 16:20:12

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1 period 2015 through September 1st, 2019? 16:20:15

2 A Same answer. I don't think so.

3 Q Did you do a promotions analysis for the  
4 period 2016 through September 1st, 2019?

5 A No, I don't think so. 16:20:31

6 Q Did you do a promotions analysis for the  
7 period 2017 through September 1st, 2019?

8 A I don't think so, no.

9 Q Did you do a promotions analysis for the  
10 period 2018 through September 1st, 2019? 16:20:49

11 A Not -- not except for the particular month  
12 in 2018 indicated here.

13 Q Okay. You have --

14 A Wait.

15 Q -- three panels here. 16:21:06

16 A Sorry. One second. I just scrambled my  
17 pages. Give me a second; otherwise, it's going to  
18 get messier. Okay. Sorry. I'm good.

19 Q Okay. You have three panels for your  
20 promotions analysis, correct? 16:21:19

21 A Yes.

22 Q You have -- you look at all promotions  
23 total, correct?

24 A Yes.

25 Q And then you look at two different types 16:21:29

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1 favored with respect to promotions? 16:22:53

2 A The evidence is most consistent with  
3 women, again, not statistically significant, at the  
4 five or 10 percent level.

5 Q And when you add the interaction of 16:23:06  
6 subfamily and job level when you're looking at all  
7 promotions, does it appear that women or men are  
8 favored?

9 A Now it flip signs. So men are favored --  
10 again, same -- same -- not statistically 16:23:16  
11 significant, at the five or 10 percent level.

12 Q And if you look at pre-April 2018, does it  
13 appear that men or women are favored with respect to  
14 promotion?

15 A Not very -- very similar to column 3 16:23:33  
16 because it's almost -- it's almost the same data.  
17 There isn't that much data after April 2018. Women  
18 are favored -- sorry. Men are favored; women  
19 disfavored, again, not significant, at the five or  
20 10 percent level. 16:23:46

21 Q Okay. And then how about after April  
22 2018? Does it appear that men or women are favored  
23 with respect to promotions during that time period?

24 A That's about as close to zero as you could  
25 get. .0003. So neither. 16:23:57

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1 Q Okay. Okay. Looking at just -- just 16:24:01  
2 panel A, would you agree that the all-promotions  
3 data does not suggest that women or men are favored  
4 with respect to promotions at Nike?

5 A Well, I would say two things. I would -- 16:24:19  
6 I would put -- I think column 3 is a lot more  
7 important than column 1 and 2, and I explain my -- I  
8 explain why in my report, because promotion rates  
9 vary by level. They're higher at the lower levels  
10 at which women are more likely to be employed. That 16:24:34  
11 said, if you look at column 3, the estimate, as I  
12 just said, is consistent with a lower promotion rate  
13 for women, but it's not statistically significant at  
14 the five or 10 percent level.

15 Q So there's no statistically significant 16:24:49  
16 results for or against women with respect to the  
17 all-promotions group, correct?

18 A By -- I mean, I was specific about  
19 significance levels, but I think by -- by most  
20 people's standards of statistically significant, 16:25:03  
21 that's five or ten, correct.

22 Q All right. If you look at the next panel,  
23 you appear to be analyzing competitive promotions  
24 only; is that accurate?

25 A Yes. 16:25:29

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1 Q What is a competitive promotion? 16:25:33

2 A My best understanding is a combination  
3 of -- my best understanding of what I recall right  
4 now is these are promotions for which requisitions  
5 are posted. There is an opportunity to apply, and 16:25:45  
6 these are identified from the Taleo data.

7 Q Okay. And so people affirmatively apply  
8 for competitive promotions, correct?

9 A I mean, I -- I -- I assume so. That seems  
10 a reasonable presumption. You know, whether -- 16:26:09  
11 whether it's influenced by who's asked or whatever,  
12 I have no idea.

13 Q So why do you have -- why are the number  
14 of your observations in the competitive promotions  
15 the same observations as all of your other analyses? 16:26:22  
16 Are you assuming that every person applies?

17 A No, no, no. I'm simply -- I'm not -- I'm  
18 not -- I'm not studying did you get promoted among  
19 those who applied. I'm studying in this table,  
20 simply, did you get promoted. So the -- the base, 16:26:43  
21 if you will, or the denominator is everybody, which  
22 is why the sample doesn't change, and, you know, you  
23 could -- you could have one promotion or the other.  
24 We didn't talk about panel C yet, but one promotion  
25 or the other, and panel A just combines them all. 16:26:59

1 Q But if you didn't apply for a promotion, 16:27:03  
2 why would you do a promotions analysis on  
3 competitive promotions that require an application  
4 but not look only at people who applied?

5 A Oh, because -- I mean, you know, I can -- 16:27:18  
6 I can only tell you anecdotes here, but -- you know,  
7 but it illustrates the point. My son works at a  
8 consulting firm. They get a lot of feedback on  
9 whether they're likely to get promoted or not.

10 When we promote assistant professors to 16:27:33  
11 tenure, if they -- at some point they have to go up.  
12 They don't have a choice, but they will often ask  
13 us, Should I go up early? And we will give them --  
14 it's not a commitment. We'll give them a lot of  
15 feedback. And then they apply to go up early or 16:27:46  
16 they don't, or if they really think they're not  
17 going to get it when they have to be decided because  
18 it's a negative signal to have been turned down for  
19 tenure, they will ask for -- you know, they'll ask a  
20 lot of the senior people what we think. And if we 16:27:57  
21 say, You're not likely to get tenure, they don't  
22 apply. They just leave.

23 So -- so when -- whether one applies is  
24 potentially influenced by what one thinks might  
25 happen. It's not -- not irrelevant. 16:28:07

1 Q Is it -- 16:28:11

2 A It's not irrelevant, but it's not  
3 necessarily a clean thing to study.

4 Q Is there any evidence that that is what  
5 happened at Nike? 16:28:18

6 A There's no evidence one way or the other  
7 that I'm aware of.

8 Q Okay. So you -- are you aware of any  
9 literature, any expert anywhere who would study  
10 competitive promotions where one has to apply for 16:28:32  
11 the promotion and include every person, including  
12 those who did not apply?

13 A I can't -- I can't -- I can't think of a  
14 re- -- I mean, I'm not aware of -- I can't think of  
15 a research context where we would even know who 16:28:54  
16 applied, and I haven't seen -- I haven't seen this  
17 -- I just want to be careful here. I don't think  
18 I've seen other experts' analyses in legal case.

19 So the answer would be I'm not aware of  
20 that, no, but, you know ... 16:29:11

21 Q Okay. You agree --

22 A But that --

23 Q You agree this analysis doesn't make any  
24 sense, right? You agree with me? It makes no -- it  
25 makes no logical sense to do an analysis about 16:29:21

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1 Q Well, I mean, you -- you do know because 16:32:47  
2 we have column -- we have panel A. What panel A  
3 shows us is that -- when we're looking at everyone  
4 promoted, right?

5 A Right. And you get promoted -- 16:32:58  
6 [Simultaneous speaking.]

7 Q -- that was a significant shortfall for  
8 women?

9 A There -- there is not a significant  
10 shortfall, and when you divide it up, you see a -- 16:33:04  
11 you know, what we call marginally significant  
12 positive shortfall for women in panel B, and a  
13 **at the** significant^five percent level negative shortfall  
14 for women in panel C.

15 Q Okay. I just want to make sure I'm fully 16:33:21  
16 understanding this analysis.

17 So if I am -- if I get a promotion -- if I  
18 get a competitive promotion, I'm going to show up as  
19 -- in column A, I get, yes, I got a promotion -- I  
20 mean in panel A, yes, I got a promotion. Panel B, 16:33:37  
21 yes, I got a promotion. Panel C, it's going to look  
22 like I didn't get a promotion, even though I did,  
23 right?

24 A Well, you -- you -- but you got a  
25 competitive one. You didn't get a noncompetitive 16:33:47

1 one. Let's assume -- let's assume those were both 16:33:49  
2 in the same year. You didn't get a noncompetitive  
3 one in the same year.

4 Q Right.

5 Why wouldn't you back out the people who 16:33:58  
6 actually got competitive promotions from the  
7 noncompetitive pool and back out the people who got  
8 noncompetitive promotions from the competitive pool  
9 so you're actually measuring who did or didn't get  
10 promoted? 16:34:12

11 A Well, I mean, I'm not -- I'm not sure  
12 there is any missing information because, as you  
13 say, there is panel A. So you could --

14 Q Right.

15 A Right, which tells you, I think, the 16:34:26  
16 differential between the two.

17 Q Right.

18 But, I mean, you would agree it's  
19 misleading when you say there's a statistically  
20 significant shortfall for women for noncompetitive 16:34:36  
21 promotions because that analysis assumes that women  
22 who actually got a promotion through the competitive  
23 process didn't get one, that they didn't get a  
24 promotion that year. You would agree that's  
25 misleading, right? 16:34:50

A It's not misleading with respect to noncompetitive promotions. You know, what you're -- I'm not -- I'm not -- I'm not saying what you're saying makes no sense at all. I'm saying what I -- what I do is well defined, and I think all that information is there. You know, backing one -- when you say can you back one out, that's a little trickier to do statistically because now you're modeling two outcomes simultaneously. I'm not sure anything is missing, but it's a reasonable clarification. I don't object to that. I don't have a problem with that.

16:34:54

16:35:05

16:35:21

13 Q All right. Well, I don't think it's a  
14 clarification.

15	But can you look at paragraph 101?	16:35:29
----	------------------------------------	----------

16           A     Yeah, let me just try to keep my pages  
17     straight here. Okay. I'm there.

18	Q	You ready?
----	---	------------

19                   A     I'm ready.

20	Q Paragraph 101, you write: "Overall, then,	16:35:58
21	the analysis of promotions indicate that women with	
22	similar qualifications and performance ratings to	
23	men with similar jobs to men are promoted at lower	
24	rates."	

25	You mean noncompetitive promotions or are	16:36:15
----	---	----------

1 you indicating all promotions there? 16:36:17

2 A Well, that's an accurate statement about  
3 the point estimate being negative. I do say that  
4 column 3 is most relevant. I don't make a statement  
5 there about statistical significance. And in the 16:36:27  
6 earlier -- in the earlier paragraphs, I think I'm  
7 crystal clear, but you may disagree where it's  
8 significant, where it's not and at what level. I  
9 always -- I'm always reporting the standard  
10 deviation. So one can read -- one can read all of 16:36:41  
11 this off the tables.

12 Q Okay. Can you just listen to my question,  
13 please? I'm sorry, but I just want the answer to my  
14 question.

15 My question is, when you wrote: Overall, 16:36:52  
16 then, analysis of promotions indicates that women  
17 with similar qualifications and performance ratings  
18 to men with similar jobs -- I'm sorry -- to -- men  
19 with similar jobs to men are promoted at lower  
20 rates, are you talking about all promotions or 16:37:10  
21 noncompetitive promotions?

22 A Well, what I'm saying -- I did -- I did  
23 hear your question. I did answer your question.

24 This is a summary of -- that comes after I  
25 discuss -- excuse me -- discuss Table 10 and Table 16:37:22

1 11. So Table 10, we just discussed that the 16:37:27  
2 significant evidence is for noncompetitive  
3 promotions. And the overall result is negative for  
4 women but not significant.

5 Table 11, which you didn't discuss, but 16:37:38  
6 we're jumping to the conclusion that follows it,  
7 looks at promotions of two or more or three or more  
8 or four or more levels, and there, you know, you  
9 don't have this offsetting positive effect in the  
10 competitive promotions. You just find negative 16:37:55  
11 estimates that are significant in columns 1 and 2  
12 for promotions by more than one level, which are  
13 presumably more valuable than promotions by one  
14 level.

15 So I don't -- I don't have any -- I mean, 16:38:08  
16 you know, I can -- I can add details to explain what  
17 it means, but it's covered earlier, but I don't have  
18 any problem with what I wrote here.

19 Q I just want to know: Are -- do you -- are  
20 you talking about all promotions here, "yes" or 16:38:20  
21 "no"? It's not a trick question. I just want a  
22 clarification.

23 Is this referring to all promotions or  
24 just --

25 A The statement -- 16:38:30

1 Q -- or does it -- 16:38:31

2 [Simultaneous speaking.]

3 A -- as written without an explicit

4 reference to one or more levels and without an

5 explicit -- explicit reference to statistical 16:38:34

6 significance is about all promotions and -- and

7 is --

8 Q Thank you.

9 A Okay. Fair enough.

10 Q That was my question. 16:38:44

11 So if you're using column 3 on Table 10,

12 approximately how many women do you believe have

13 experienced a promotion? Like, how many female

14 promotions are we short?

15 A I don't have that calculation explicitly. 16:39:10

16 I have the -- I have the percentage-point

17 difference, and I believe I have raw promotion rates

18 in another appendix table. So one could get close

19 to that computation, but I don't know it offhand.

20 Q Okay. Is it in your report anywhere the 16:39:28

21 number of female shortfall -- female promotion

22 shortfalls you assert with respect to column 3,

23 Table 10?

24 A The number, no. I report things in

25 percentage terms. 16:39:42

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1 significant. .44 standard deviations. 16:41:14

2 Q And with respect to noncompet- --

3 A Sorry.

4 Q With respect to noncompetitive promotions

5 past April 2018 or later, are women favored or 16:41:23

6 disfavored with respect to promotions?

7 A Again, here -- so here it flips. It's

8 slightly positive, small and nowhere near

9 statistically significant.

10 Q If you look at the pre-April 2018 data, so 16:41:38

11 column 4, panel B, were women favored or disfavored

12 with respect to competitive promotions before April

13 2018?

14 A They were favored based on the point

15 estimate, and it's very, very nearly statistically 16:41:55

16 significant at the 5 percent level.

17 Q Let's look at Table 12.

18 A Yes.

19 Q Does Table 12 represent your analysis of

20 starting job level? 16:42:37

21 A Yes.

22 Q And it looks like the analysis dates are

23 January 1st, 2012, through September 1st, 2019; is

24 that correct?

25 A It would have -- yes, it would have the 16:42:50

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1 same caveat we discussed earlier with respect to 16:42:51

2 starting pay for the first six months of the data.

3 My snapshot data starts at --

4 Q Do you run -- sorry. I didn't mean to

5 interrupt you. 16:43:03

6 Did you run a starting job level analysis

7 for the period 2013 through September 1st, 2019?

8 A No.

9 Q Did you run a starting job level analysis

10 for the period 2014 through September 1st, 2019? 16:43:18

11 A No.

12 Q Did you run a starting job level analysis

13 for the period 2015 through September 1st, 2019?

14 A No.

15 Q Did you run a starting job level analysis 16:43:33

16 for the period 2016 through September 1st, 2019?

17 A No.

18 Q Did you run a starting job level analysis

19 for the period 2017 through September 1st, 2019?

20 A No. 16:43:52

21 Q Do you understand that at Nike, when jobs

22 are posted and people apply, there is a level

23 associated with the job at the time of posting?

24 A I believe I've seen some of that. It's

25 not something I delved into in detail. 16:44:20

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1 Q Did you account for, in your starting job 16:44:25  
2 level analysis, the job that the person applied for?  
3 A No.  
4 Q So, in other words, you are assuming that  
5 every person who applied is equally interested in 16:44:43  
6 all job levels?  
7 A I think that's too strong a statement,  
8 right. Just to clarify, these are regression models  
9 with a lot of controls, including, of course,  
10 whether you're female or not. So the -- the 16:45:05  
11 assumption is that, conditional on those things,  
12 there are not correlations between ~~these controls~~ **the gender variable** in  
13 the model and the interest, if you want to call it  
14 that, in jobs in particular levels.  
15 I'm -- I'm pretty comfortable with that 16:45:22  
16 assumption. I don't know that there's systematic  
17 differences. And, you know, if you want to argue  
18 that women -- women, all else the same, with the  
19 same human capital, the same education, same  
20 experience, want lower-level jobs than men, I can't 16:45:36  
21 reject that. You know, offhand, I obviously don't  
22 know. I find it highly unlikely.  
23 I also -- I'm not entirely sure what is  
24 captured in the level at which you apply for. I  
25 know Nike -- and I discuss it in my report -- seemed 16:45:55

1 to be correcting, in the last couple years covered 16:45:59  
2 by the data, what they call gender bias in the  
3 **process. Makes**  
4 hiring ~~process, makes~~ me suspicious of, you know,  
5 who got steered into which level, but I -- I don't  
6 know that for sure. 16:46:17

6 Q Yeah.

7 You have no evidence of any steering into  
8 any levels, correct?

9 A I have evidence that Nike thought there  
10 was bias -- gender bias in the hiring process, by 16:46:23  
11 which I assume they mean against women because they  
12 say that.

13 Q You have an anecdote from a document. You  
14 didn't -- you didn't do any work to look at any of  
15 Nike's practices in that regard, correct? 16:46:33

16 A I did not study its practices explicitly,  
17 no.

18 Q Right. And you actually could have looked  
19 to determine whether women preference lower-level  
20 jobs by actually looking at the job people applied 16:46:50  
21 to and then using that as a control in your starting  
22 job level analysis, correct?

23 MR. KAN: Objection. Vague and ambiguous.

24 THE WITNESS: Part of that was not

25 correct. I could have looked at the data. You -- 16:47:03

1 you -- you -- you used the word "preferences," and 16:47:05  
2 the point of my previous answer was I'm not  
3 confident that reflects preferences.

4 BY MS. DAVIS:

5 Q You have no idea. You have no idea? 16:47:14

6 A I -- I have -- I wouldn't say I have no  
7 idea. Nike thought there was bias in the hiring  
8 process. Was it explicitly this? I don't know for  
9 sure. I wouldn't say "no idea." I have some  
10 indication it might have been an issue, but I don't 16:47:31  
11 know for sure.

12 Q What's your indication that it might have  
13 been an issue?

14 A Give me a second. I'm referring to the  
15 email referenced in -- and the deposition in 16:47:52  
16 footnote 82 about wanting to --

17 Q What does that testimony say?

18 A "Nike's CHRO also wrote that 'we need to  
19 improve representation of women'" --

20 THE REPORTER: I'm sorry. Can you read 16:48:11  
21 more slowly, please.

22 THE WITNESS: I'm sorry. I tend to go  
23 fast when I'm reading.

24 "Nike's CHRO also wrote that 'we need to  
25 improve representation of women. [W]hile we've 16:48:19

1 spoken about this many times, and tried different 16:48:21  
2 ways to achieve change, we have failed to gain  
3 traction - and our hiring...promotion decisions are  
4 not changing senior-level representation as quickly  
5 as we wanted,' and" -- and quote -- "and confirmed 16:48:31  
6 that Nike was going to, quote, 'remove bias from  
7 critical moments of the hiring process by creating  
8 more inclusive job descriptions...' It goes on.

9 O  
Testified that it's -- "CHR<sub>A</sub> testified that  
10 its inclusive job descriptions" -- by which I think 16:48:45  
11 I mean the ones they tried to switch to -- "'are  
12 intended to remove the type of things that can  
13 create unnecessary or artificial barriers to access  
14 to the jobs.'"

15 So, you know, that -- I mean, it doesn't 16:48:58  
16 strike me, based on that, to be at all unreasonable  
17 to think that the -- what levels one applied to is  
18 not an untainted variable.

19 BY MS. DAVIS:

20 Q But you did no analysis to determine if 16:49:19  
21 the level someone applied to is a tainted variable?

22 A I didn't because I don't know what I could  
23 have done. I'd have to know about preferences and  
24 then what they applied to at -- I mean, maybe even  
25 someone got -- 16:49:34

1 Q You -- 16:49:35

2 [Simultaneous speaking.]

3 A -- ~~the profits~~ **steered**, but just --

4 Q You --

5 A I'd have to know something like -- 16:49:37

6 Q You basically -- go ahead.

7 A I'd have to know something like what level

8 were you interested in before interaction with the

9 company and then what level did you apply to. I

10 don't think that's in the data. 16:49:46

11 Q Right. Agreed.

12 You basically have to interview a lot of

13 people --

14 A I'm not even sure --

15 Q -- do a survey or something like that, 16:49:55

16 correct?

17 A I'm not even sure how decisive that would

18 be, but fair enough.

19 Q All right. Going back to paragraph 101 on

20 page 48 -- 16:50:12

21 A One second, please. Yes.

22 Q You say: "The analysis of promotions

23 indicates that women with similar qualifications and

24 performance ratings to men with similar jobs to men

25 are promoted at lower rates." 16:50:36

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1 starting job-leveling analysis, is there a way in 17:01:20  
2 your report for me to identify which women were  
3 under-leveled?

4 A No. It's the same as my answer about  
5 promotions. There's -- there's data with which one 17:01:30  
6 might draw an inference as to who was more likely to  
7 have been under-leveled than not, but, you know,  
8 statistical analysis cannot explain the -- the  
9 specific behavior of an individual, as I've said  
10 numerous times. 17:01:47

11 MS. DAVIS: Let's take a break.

12 THE WITNESS: 'Til -- oh, sorry.

13 THE VIDEOGRAPHER: Going off the record.

14 The time is 5:02.

15 (Recess.) 17:02:02

16 THE VIDEOGRAPHER: We're back on the  
17 record. The time is 5:21.

18 BY MS. DAVIS:

19 Q Dr. Neumark, did you review any documents  
20 during the break? 17:21:33

21 A No.

22 Q The data that you received from Nike does  
23 not have applicants' prior pay information, correct?

24 A Yeah, that's my understanding. Correct.  
25 Unless somebody happened to put it on a resumé, yes. 17:21:56

1 Q Okay. So you don't have a way to analyze 17:22:02  
2 whether women reported lower prior pay when they  
3 applied to Nike than men, correct?

4 A Correct.

5 Excuse me. I'm just going to close my 17:22:21  
6 window because now the wind is howling. Okay.

7 Q With respect to your incumbent pay model  
8 -- I'm calling it incumbent pay, Table 2.

9 Are you there?

10 A Yes, I am. 17:22:54

11 Q Okay. Are you -- is Table 2 intended to  
12 model any specific compensation process at Nike?

13 A I would say it's -- it's not specific.  
14 It's meant to study the overall outcome.

15 Q Okay. Did you do any analysis of what 17:23:13  
16 Nike calls "two times pay" or "2X pay"?

17 A Not -- not explicitly, no.

18 Q With respect to leveling decisions at  
19 hire, do you -- do you know who makes those  
20 decisions at Nike? 17:23:51

21 A I don't. I did not study processes or  
22 decision makers, just outcomes.

23 Q Okay. And did you include anything in  
24 your analysis to try to model level at hire by  
25 decision maker? 17:24:05

1 A No. 17:24:07

2 Sorry. I have a pop-up screen. One

3 second.

4 No, I did not.

5 Q With respect to starting pay, do you know 17:24:16

6 who makes starting pay decisions at Nike?

7 A No. I didn't study that.

8 Q Did you include anything in your analysis

9 to try to model starting pay by decision maker?

10 A No. 17:24:38

11 Q With respect to merit increases, do you

12 know who makes -- who's the decision maker with

13 respect to merit increases at Nike?

14 A No, I didn't study decision makers or

15 processes. 17:25:02

16 Q Did you include anything in your analysis

17 to try to model merit increases by decision maker?

18 A No.

19 Q With respect to incumbent pay, your Table

20 2, do you know who is responsible for making 17:25:20

21 decisions about incumbent pay at Nike?

22 A I -- I do not know explicitly. I did not

23 study that. I didn't model it.

24 Q Let me just ask the question.

25 Did you include anything in your analysis 17:25:37



1 to try to model incumbent pay by decision maker? 17:25:38

2 A No. I'm looking at overall outcomes and  
3 the disparities and whether other factors explain  
4 them.

5 Q And do you know who makes the decision 17:25:50  
6 with respect to bonuses at Nike?

7 A No.

8 Q And did you include anything in your model  
9 to try to model bonuses by decision maker?

10 A I thought you broke out. So can you just 17:26:16  
11 read it again because there was a pause, and I want  
12 to make sure I didn't miss anything.

13 Q Oh, yeah. Certainly.

14 Yeah. Did you include anything in your  
15 analysis to try to model bonuses -- bonus payments 17:26:26  
16 by decision maker?

17 A I assumed it was the same question.

18 So the answer is no.

19 Q When we were talking earlier today about  
20 the -- your incumbent pay analysis, so specifically 17:26:50  
21 Table -- sorry -- column 4, Table 2, and look at  
22 panel C, the log of base pay and PSP bonuses, you  
23 said that there may be some job family and level  
24 group where women are paid more than men within the  
25 same group, correct? 17:27:30

1 A You're asking about -- let's -- just to be 17:27:33  
2 clear -- a subfamily level pair?

3 Q Correct.

4 A Yes, there may be, and I said I would --  
5 you know, I would assume they were small ones where 17:27:41  
6 the estimate's quite imprecise, but I obviously  
7 can't be sure because I didn't do it.

8 Q Okay. And the number that you present  
9 here, the [REDACTED] percent, you said earlier  
10 that was an average, correct? 17:27:56

11 A It's a mathematically complicated kind of  
12 average, but, yes, it is -- it's an es- -- it's an  
13 estimate identified within the subfamily level units  
14 constrained to be the same. So it's a -- it's a  
15 kind of an average, yes. 17:28:15

16 Q Okay. A weighted average; is that a more  
17 appropriate --

18 A It's a matrix --

19 Q -- term to use?

20 A -- if you want to know, but yes. 17:28:25

21 I mean, it's -- the point is -- the point  
22 is it would be more representative of the cells with  
23 more people and more women. So in that sense, it  
24 has the same flavor as what you would expect of a  
25 simple average. 17:28:39

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1 Q It also could be the fact -- it also could 17:28:40  
2 be true that there are a couple of or a handful of  
3 large job subfamily and level groupings that are  
4 driving that [REDACTED] percent result, correct?

5 A It's possible, yes. They'd have -- they 17:29:01  
6 would have to go very big for that to happen, and  
7 the other -- well, in the realm of is anything's  
8 possible or almost anything possible, yes.

9 Q And like you said, you didn't look at it,  
10 so you don't know? 17:29:30

11 A Correct.

12 MS. DAVIS: I don't think I have any  
13 further questions.

14 James, do you have any questions?

15 MR. KAN: No further questions on our end. 17:29:44

16 MS. DAVIS: Perfect.

17 Thank you, Dr. Neumark.

18 THE WITNESS: Thank you.

19 THE VIDEOGRAPHER: This concludes today's  
20 testimony given by Dr. David Neumark. We are off 17:29:52  
21 the record at 5:29 -- actually, I should say 5:30  
22 because it's 5:30 now.

23 (TIME NOTED: 5:30 p.m.)  
24  
25

1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby  
3 certify:

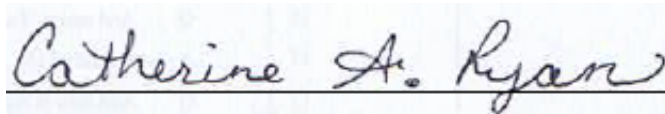
4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were administered an oath; that  
8 a record of the proceedings was made by me using  
9 machine shorthand which was thereafter transcribed  
10 under my direction; that the foregoing is a true  
11 record of the testimony given.

12 Further, that if the foregoing pertains to the  
13 original transcript of a deposition in a Federal  
14 Case, before completion of the proceedings, review  
15 of the transcript [ X ] was [ ] was not requested.

16 I further certify that I am neither  
17 financially interested in the action nor a relative  
18 or employee of any attorney or any party to this  
19 action.

20 IN WITNESS WHEREOF, I have this date  
21 subscribed my name.

22 Dated: 09/07/2021

23 

24 Catherine A. Ryan, RMR, CRR

25 CSR No. 8239

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Errata Sheet for the Deposition of David Neumark  
Taken on August 31, 2021 in the matter of *Cahill et al. v. Nike, Inc.*

Page: 20

Line: 15

Change: "average" to "averages"

Reason: transcription error (TE)

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Page: 21

Line: 6

Change: "An" to "The"

Reason: TE

---

Page: 27

Line: 6

Change: "me" to "me – "

Reason: TE

---

Page: 32

Line: 3

Change: "statistical" to "statistically"

Reason: TE

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Page: 32

Line: 14

Change: "variant" to "variance"

Reason: TE

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Page: 33

Line: 10

Change: "criteria" to "criterion"

Reason: TE

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Page: 33

Line: 13

Change: "is" to "as"

Reason: TE

---

Page: 33

Line: 14

Change: "informed." to "informative."

Reason: TE

---

Page: 35

Line: 10-11

Change: "there. But" to "there – but"

Reason: TE

---

Page: 35

Line: 20

Change: "any" to "that any"

Reason: Clarification (C)

---

Page: 38

Line: 14

Change: delete “, so”

Reason: C

---

Page: 41

Line: 18

Change: “and I simply” to “and later I simply”

Reason: Clarification

---

Page: 45

Line: 21

Change: “scales” to “skills”

Reason: TE

---

Page: 46

Line: 7

Change: “moves” to “means”

Reason: TE

---

Page: 46

Line: 13

Change: “reference” to “referenced”

Reason: TE

---

Page: 53

Line: 24

Change: “subfamily levels.” To “subfamily and levels.”

Reason: TE

---

Page: 57

Line: 23

Change: “some does.” to “one does.”

Reason: TE

---

Page: 63

Line: 19

Change: “has” to “as”

Reason: TE

---

Page: 69

Line: 14

Change: “It’s like I can’t identify.” to “I can’t identify it.”

Reason: C

---

Page: 69

Line: 17

Change: “shortfall.” to “shortfall?”

Reason: TE

---

Page: 75

Line: 13

Change: “about. The” to “about – the”

Reason: TE

---

Page: 78

Line: 13

Change: "simplist" to "simplest"

Reason: TE

---

Page: 81

Line: 10

Change: "of" to "about"

Reason: TE

---

Page: 82

Line: 10

Change: "that that that that" to "that"

Reason: TE/C

---

Page: 84

Line: 6-7

Change: "We got/we got" to "We've got/we've got" (3 X)

Reason: TE

---

Page: 90

Line: 8

Change: "research" to "in research"

Reason: TE

---

Page: 91

Line: 23

Change: "the appendix" to "vs. the appendix"

Reason: TE

---

Page: 92

Line: 16

Change: "corpuses" to "corpora"

Reason: Correction

---

Page: 95

Line: 25

Change: "day" to "data"

Reason: TE

---

Page: 116

Line: 8

Change: "has" to "hasn't"

Reason: TE

---

Page: 126

Line: 24

Change: "matter" to "matters"

Reason: TE

---

Page: 127

Line: 24

Change: "linguistic" to "linguistically"

Reason: TE

---

Page: 127

Line: 25

Change: "say," to "say:"

Reason: TE

---

Page: 135

Line: 14, 15

Change: "square" to "squared" (2X)

Reason: TE

---

Page: 145

Line: 7

Change: ", the person who got the highest degree." to "the person got the highest degree from."

Reason: C

---

Page: 146

Line: 8

Change: "not just" to "not that"

Reason: TE

---

Page: 149

Line: 12

Change: "spell" to "spelled"

Reason: TE

---

Page: 149

Line: 12-13

Change: "present it" to "presented"

Reason: TE

---

Page: 150

Line: 24

Change: "everyone. There" to "everyone – there"

Reason: TE

---

Page: 154

Line: 11

Change: "turned down," to "turned on,"

Reason: TE

---

Page: 161

Line: 18

Change: "send me the report" to "send me the quote from the report"

Reason: Clarification

---

Page: 161

Line: 20

Change: "a cite page" to "and cite a page"

Reason: TE

---

Page: 175



Line: 23-24

Change: "estimate, that you did obtain from the data" to "estimate that you did obtain from the data,"

Reason: TE

---

Page: 176

Line: 23-24

Change: "five. One I don't report. I recorded." to ", five are recorded."

Reason: TE

---

Page: 177

Line: 10

Change: "by .56" to "at .56"

Reason: TE

---

Page: 185

Line: 14

Change: change "think to do it" to "think of to do with it."

Reason: TE

---

Page: 193

Line: 11

Change: "do worse." to "do better."

Reason: Correction/TE

---

Page: 197

Line: 18

Change: "P level" to "P value"

Reason: TE

---

Page: 202

Line: 11

Change: "date" to "data"

Reason: TE

---

Page: 204

Line: 11

Change: "Time and" to "Time in"

Reason: TE

---

Page: 209

Line: 20

Change: "could" to "couldn't"

Reason: TE

---

Page: 209

Line: 24

Change: "having this ranking compensation" to ?

Reason: TE – but I can't tell from written transcript what I said

---

Page: 213

Line: 4

Change: "are hired" to "you are hired"

Reason: TE

---

Page: 213

Line: 25

Change: "have" to "are"

Reason: TE

---

Page: 214

Line: 18-19

Change: "by subfamily or by the subfamily algorithm" to "by subfamily."

Reason: TE/Clarification

---

Page: 217

Line: 1

Change: "unmet" to "always"

Reason: TE

---

Page: 229

Line: 1

Change: "take" to "make"

Reason: TE

---

Page: 229

Line: 17

Change: "policy change for the" to "policy change. For the"

Reason: TE

---

Page: 229

Line: 18

Change: "employees. And note it's 15,000 versus about 3600." to "employees – and note it's 15,000 versus about 3600 --"

Reason: TE

---

Page: 229

Line: 19

Change: "There" to "there"

Reason:

---

Page: 233

Line: 4

Change: "2018, '19" to "2018-19"

Reason: TE

---

Page: 235

Line: 17

Change: "there is" to "merits"

Reason: TE

---

Page: 237

Line: 6

Change: "time and" to "time in"

Reason: TE

---

Page: 237

Line: 22

Change: “as respect” to “with respect”

Reason: TE

---

Page: 238

Line: 16

Change: “first” to “for”

Reason: TE

---

Page: 240

Line: 21

Change: “pre-periods” to “pre-period’s”

Reason: TE

---

Page: 243

Line: 9

Change: “before, it’s September 7 – 27 – ’17, is – that’s” to “before September ’17, that’s”

Reason: Clarification

---

Page: 244

Line: 5

Change: “interactives” to “interactions”

Reason: TE

---

Page: 244

Line: 18

Change: “data” to “Stata”

Reason: TE

---

Page: 244

Line: 24

Change: “in” to “on”

Reason: TE

---

Page: 245

Line: 1

Change: “its data” to “Stata”

Reason: TE

---

Page: 246

Line: 3

Change: “report” to “support”

Reason: TE

---

Page: 246

Line: 6

Change: “The best estimate is get” to “The best estimate is women get”

Reason: TE

---

Page: 248

Line: 6-7

Change: “common sense” to “close to Column 6”

Reason: TE

---

Page: 252

Line: 4

Change: "control" to "controls"

Reason: TE

---

Page: 252

Line: 8

Change: "in the sample" to "with the sample"

Reason: TE

---

Page: 254

Line: 4

Change: After period, add "But this refers to explaining the gender gap in base pay, not explaining variation in base pay."

Reason: Clarification

---

Page: 261

Line: 14

Change: "pose" to "impose"

Reason: TE

---

Page: 267

Line: 8

Change: "professor" to "professor candidates"

Reason: TE/clarification

---

Page: 268

Line: 1

Change: "application" to "applications"

Reason: TE

---

Page: 268

Line: 18

Change: "level of industry" to "cell of industry and"

Reason: TE

---

Page: 270

Line: 13

Change: "five" to "at the five"

Reason: TE

---

Page: 279

Line: 12

Change: "these controls" to "the gender variable"

Reason: TE/clarification

---

Page: 280

Line: 3

Change: "process, makes" to "process. Makes"

Reason: TE

---

Page: 282

Line: 9

Change: "CHR" to "CHRO"

Reason: TE/clarification

---

Page: 283

Line: 3

Change: "the profits" to "steered"

Reason: TE

---

Page: 283

Line: 8

Change: "interaction" to "interacting"

Reason: TE

---

Page: 285

Line: 10

Change: "looser" to "loose"

Reason: TE

---

Page: 288

Line: 9

Change: "we discuss" to "we discussed"

Reason: TE

---

Page: 297

Line: 7, 8

Change: "anything" to "anything's" 2X

Reason: TE

---



David Neumark

9/23/21

Date

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

KELLY CAHILL, et al., )  
Plaintiffs, )  
VS. ) NO. 3:18-CV-01477-JR  
NIKE, INC., an Oregon )  
Corporation, )  
Defendants. )  
\_\_\_\_\_)

VIDEOCONFERENCE DEPOSITION OF:

KELLY CAHILL

WEDNESDAY, NOVEMBER 18, 2020

12:10 P.M.

REPORTED BY:

Sari M. Knudsen

CSR No. 13109

Page 1

1 THE WITNESS: To my knowledge, yes. 03:03:44

2 BY MS. DAVIS: 03:03:44

3 Q And you specifically applied for that 03:03:48

4 director position. Correct? 03:03:51

5 A I did at the -- at the request of Nike to 03:03:56

6 apply -- directly apply. 03:03:59

7 Q Okay. Yeah. Let's talk about that, how 03:04:02

8 that changed. 03:04:03

9 So you had been working for Nike -- you had 03:04:08

10 been working for Nike as a contractor for about a 03:04:11

11 year at this point. Correct? 03:04:12

12 A Correct. 03:04:13

13 Q And how did it come about that you decided 03:04:15

14 or you applied for a job with Nike? 03:04:21

15 A To clarify, as in this -- this current job 03:04:24

16 you are referring to, the director position? 03:04:27

17 Q Yeah. The global -- the Nike.com Global 03:04:30

18 Digital Cross-Category Director. 03:04:35

19 A There -- so in this context. 03:04:38

20 So prior to this role and the Nike.com 03:04:43

21 global organization, there wasn't one. And I was 03:04:46

22 tasked, along with my boss at the time, Dorinda, as 03:04:53

23 part of a committee to help formulate what a global 03:04:57

24 Nike.com function would look like and how it would 03:05:01

25 operate. So I was part of that committee. 03:05:06

1 And then as -- the outcome of part of that 03:05:12  
2 was that organization forming, Pamela becoming the 03:05:18  
3 leader, the senior director of that organization, 03:05:25  
4 earlier in the year, and them filling -- filling 03:05:30  
5 positions for that organization. 03:05:36

6 I certainly wanted to be a full-time 03:05:40  
7 employee at Nike and was actually interest -- more 03:05:47  
8 interested in a position that was becoming open 03:05:50  
9 within the Women's digital brand category by someone 03:05:58  
10 leaving that position. So I had initially expressed 03:06:02  
11 interest in that position, which was a senior 03:06:07  
12 manager, position within the same organization and 03:06:12  
13 function that I was currently in as a contractor. 03:06:18

14 So that is where I was actually -- or 03:06:23  
15 actually thought I was going where the signs were 03:06:25  
16 directing me to go. I was literally on a plane 03:06:33  
17 going to London to shadow the person in that current 03:06:37  
18 role because, to me, that was the job I was taking. 03:06:41

19 And I received a phone call from the Vice 03:06:45  
20 President of Global Digital Brand that they wanted 03:06:51  
21 me to be the director -- this position we're talking 03:06:57  
22 about -- global director of Nike.com cross-category 03:07:01  
23 and that was the role I was to be taking. 03:07:07

24 So conversations happened around what that 03:07:11  
25 looked like. I spoke with Pamela. And all these 03:07:18



1	conversations happened before officially applying to	03:07:21
2	that job in this document as a response that you	03:07:25
3	showed.	03:07:27
4	Q Okay. Do you know whether anyone else	03:07:35
5	applied to the Nike.com Global Digital	03:07:36
6	Cross-Category Director role that you ultimately	03:07:40
7	filled?	03:07:41
8	A I do not know.	03:07:42
9	MR. GOLDSTEIN: Objection.	03:07:45
10	BY MS. DAVIS:	03:07:45
11	Q You said you spoke with Pamela about the	03:07:50
12	role before you applied. Did you consider that to	03:07:53
13	be an interview for the job?	03:07:59
14	A I did not consider that to be an interview	03:08:01
15	for the job.	03:08:04
16	Q Did anyone interview you for the role of --	03:08:06
17	interview you for the role of Nike.com Global	03:08:09
18	Digital Cross-Category Director?	03:08:14
19	A No official interview, no.	03:08:25
20	Q The Women's Digital Brand category Senior	03:08:28
21	Manager position, do you know what band that opening	03:08:32
22	was?	03:08:35
23	A Officially, I do not know. But typically,	03:08:38
24	to my knowledge, managers are a U band.	03:08:53
25	Q So a lower-level job than the director job	03:08:58

1	you ultimately took. Is that correct?	03:09:00
2	A That is correct.	03:09:00
3	Q And you said you got a phone call from the	03:09:03
4	V.P. Global Digital Brand who wanted you to take the	03:09:06
5	global director job. Who was the V.P. Global	03:09:09
6	Digital Brand?	03:09:10
7	A Jesse Stollak.	03:09:20
8	Q Okay. And Stollak is S-T-O-L-L-A-K.	03:09:24
9	Right?	03:09:26
10	A I believe so.	03:09:27
11	MR. GOLDSTEIN: Objection. Nike knows this.	03:09:32
12	BY MS. DAVIS:	03:09:32
13	Q And is Jesse a male or female?	03:09:36
14	A Male.	03:09:53
15	Q You were eventually -- well, let me back	03:10:01
16	up.	03:10:01
17	Did you apply to any other jobs at Nike	03:10:05
18	while you were working as a contractor?	03:10:08
19	MR. GOLDSTEIN: Objection.	03:10:09
20	THE WITNESS: To my knowledge, I did not. But I	03:10:12
21	would -- I would need to see if there are any	03:10:14
22	documents to prove -- to show that I did.	03:10:17
23	BY MS. DAVIS:	03:10:17
24	Q Okay. You don't remember applying?	03:10:18
25	A I don't remember, no.	03:10:31

Page 108

1 I, SARI M. KNUDSEN, CSR NO. 13109, in and  
2 for the State of California, do hereby certify:

3 I am the deposition officer that  
4 stenographically recorded the testimony in the  
5 foregoing deposition;

6 Prior to being examined, the deponent was  
7 first duly sworn by me;

8 The foregoing transcript is a true record of  
9 the testimony given;

10 Before completion of the deposition, review  
11 of the transcript was not requested. If requested,  
12 any changes made by the deponent (and provided to  
13 the reporter) during the period allowed are appended  
14 hereto.

15  
16 Dated the 9th day of December, 2020.

17  
18  
19   
20

21 SARI M. KNUDSEN, CSR NO. 13109  
22  
23  
24  
25

*Cahill v. Nike*

No. 3:18-cv-01477-JR (D. Or.)

Deposition Date: November 18, 2020


Deponent: Kelly Cahill

Page	Line(s)	Reads	Should Read	Reason
25	13	payee quality	pay equality	To correct a transcription error
25	17	payee quality	pay equality	To correct a transcription error
38	9	selling in new products	selling new products	To correct a transcription error
40	8	then ex-husband	then husband	To correct a transcription error
43	20	Gem Soda	Jones Soda	To correct a transcription error
48	23	2011	2012	To correct inadvertent error in year
59	23	EPW	ETW	To correct a transcription error
123	6	Insures	Ensures	To correct a transcription error
142	3	CFE's	CFEs	To correct a transcription error
163	4	participants	participates	To correct a transcription error
163	18	participants	participates	To correct a transcription error
173	9-10	Was rated during CFE one year what I saw everyone was getting. Not necessarily the case.	Was rated Successful during CFE one year when I was told everyone was getting Successful. But then I saw that was not necessarily the case.	To correct a transcription error
174	6	media	meeting	To correct a transcription error
177	2	Nike.com right	Nike.com that are right	To correct a transcription error
179	5	manager CFE	manager's CFE	To correct a transcription error
179	11	managing CFE	manager's CFE	To correct a transcription error
180	1	CFE's	CFEs	To correct a transcription error
185	22	Kasatani.	Fisanotti	To correct a transcription error
186	4	up levels from me	a higher level than mine	To correct a transcription error
186	7	It	He	To correct a transcription error
196	19	June 11	June 1	To correct a transcription error
196	23	CFE's	CFEs	To correct a transcription error
222	2	dikes	dykes	To correct a transcription error
222	8	dike	dyke	To correct a transcription error

223	5	dikes	dykes	To correct a transcription error
251	24	CFAE's	CFEs	To correct a transcription error
254	13	CFE's	CFEs	To correct a transcription error
263	7	D banding	debanding	To correct a transcription error
263	17	D banding	debanding	To correct a transcription error
284	19	Communication's	Communications	To correct a transcription error
297	10	July 27	July 25	To correct a transcription error
309	14	opportunity proactively	opportunity to proactively	To correct a transcription error

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 1/6/2021 in West Newton, MA.

DocuSigned by:  
  
 486CF2DE09G444B...  
 Kelly Cahill

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON, )  
LINDSAY ELIZABETH, and HEATHER )  
HENDER, individually and on )  
behalf of others similarly )  
situated, )

Plaintiffs, )

v. ) 3:18-cv-01477-JR

NIKE, INC., an Oregon )  
corporation, )  
Defendant. )

DEPOSITION OF PAIGE AZAVEDO

January 29, 2021

Friday

10:02 A.M.

THE VIDEOCONFERENCE VIDEO-RECORDED  
DEPOSITION OF PAIGE AZAVEDO was taken at Portland,  
Oregon, before Jan R. Duiven, CSR, FCRR, RPR, CRC,  
Certified Shorthand Reporter in and for the State  
of Oregon.

Page 1

1 Q. And sounds like this isn't the case, 13:50:04  
2 but I'll just ask. Did you hold any other jobs in 13:50:09  
3 between the time that you left Intel Corporation 13:50:13  
4 in October 2007, and started working at Nike in 13:50:15  
5 October of 2007? 13:50:19

6 A. No. 13:50:24

7 Q. Okay. And the -- the role that you 13:50:24  
8 started in at Nike in October 2007, the director 13:50:35  
9 of digital, direct-to-consumer, that's a role that 13:50:39  
10 you had applied for. Right? 13:50:40

11 A. That's my recollection, yes. 13:50:42

12 Q. Do you recall how you learned about 13:50:47  
13 that opportunity? 13:50:51

14 A. Yeah. I remember the recruiter called 13:50:53  
15 me, Angel Foss, F-O-S-S. She called me and 13:50:56  
16 reached out for a phone screen is what I remember. 13:51:03

17 Q. Okay. Do you recall if you had 13:51:17  
18 submitted an application and then Ms. Foss reached 13:51:18  
19 out to you or if she -- if Ms. Foss called you out 13:51:20  
20 of the blue? 13:51:26

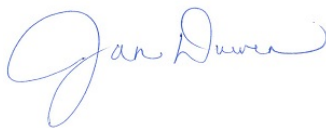
21 A. I don't remember if I applied for this 13:51:27  
22 job specifically or if I applied for a job and 13:51:33  
23 they reached out to me about this job 13:51:37  
24 specifically. I can't tell you which was -- it's 13:51:40  
25 been so long, I don't remember exactly what the -- 13:51:42

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## CERTIFICATE

I, Jan R. Duiven, CSR, FCRR, CRC, RPR, a Certified Shorthand Reporter for the State of Oregon, do hereby certify that, pursuant to stipulation of counsel for the respective parties hereinbefore set forth, PAIGE AZAVEDO appeared virtually before me at the time and place set forth in the caption hereof; that at said time and place I reported in Stenotype all testimony adduced and other oral proceedings had in the foregoing matter; that thereafter my notes were reduced to typewriting under my direction; and that the foregoing transcript, pages 1 to 245, both inclusive, constitutes a full, true, and accurate record of all such testimony adduced and oral proceedings had, and of the whole thereof.

Witness my hand at Eugene, Oregon, this 12th day of February, 2021.



Jan R. Duiven, CSR, FCRR, CRC, RPR

CSR No. 96-0327

Expiration Date: September 30, 2023

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Cahill, et al v. Nike  
Paige Azavedo Deposition Errata

<b>Page : Line</b>	<b>Reads</b>	<b>Should Read</b>	<b>Reason</b>
132 : 16	Sysco	Cisco	To correct a transcription error
142 : 8	Yes	I'm not sure if the role exists today.	To clarify and correct an inadvertent error
169 : 20	Tim Parks	Tim Perks	To correct a transcription error
170 : 11	Tim Parks	Tim Perks	To correct a transcription error
219 : 20	Tim Parks	Tim Perks	To correct a transcription error
242 : 17	Bruce Stall	Bruce Stahl	To correct a transcription error

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 03 / 12 / 2021 in Portland, OR.



\_\_\_\_\_  
Paige Azavedo

1106158

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON, PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON, ) NO. 3:18-cv-01477-JR  
LINDSAY ELIZABETH, and HEATHER )  
HENDER, individually and on )  
behalf of others similarly )  
situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
NIKE, INC., an Oregon )  
corporation, )  
 )  
Defendant. )

\_\_\_\_\_ )

AFTERNOON SESSION  
REMOTE VIDEOTAPED DEPOSITION OF LINDSAY ELIZABETH  
Palm Desert, California  
Monday, January 11, 2021

Reported by:  
Heidi Hummel-Grant  
CSR No. 12556  
Pages 119 - 278

1 another category just based on what they enjoy or 02:54  
2 what they like to do?

3 A Yeah, I think so.

4 Q Okay. All right.

5 So you became a Nike employee in January of 02:55  
6 2017; correct?

7 A I became a Nike -- yes.

8 Q Okay.

9 And you were hired -- how -- what do you  
10 recall about the process of moving from an ETW to a 02:55  
11 Nike employee?

12 A The -- the process? I was asked -- I  
13 was told that there was going to be position opening  
14 and that -- and I was asked to apply for it through  
15 the Nike website. And so I did that. And then I 02:55  
16 was informed that there would be -- when the  
17 interview would be. So I put together a portfolio.  
18 There was a panel interview. And once I learned  
19 that they decided to hire me, then the hiring  
20 manager talked to me about pay and start date. 02:56  
21 There -- there were -- yeah, that's the -- in  
22 regards to --

23 THE REPORTER: I'm sorry, I missed that?

24 MS. DAVIS:

25 Q Say that again. You cut out. 02:56

1 A That's just in regards to the process, 02:56  
2 what I remember of the process.

3 Q Okay.

4 You were told there was a position opening  
5 and you were asked to apply. 02:56

6 Did you -- did you want to apply for this  
7 Nike's role?

8 A Yes.

9 MS. DAVIS: Okay. All right.

10 I'm showing you -- let's see -- Exhibit 115. 02:57

11 (Exhibit 115 was marked for identification,  
12 a copy of which is attached hereto.)

13 MS. DAVIS: Exhibit 115 is a multipage  
14 document Bates stamped Nike8605 through 8613.

15 THE WITNESS: Okay. This -- oh, what's the 02:57  
16 exhibit number?

17 MS. DAVIS:

18 Q 115, should be.

19 A Okay. Hold on a second.

20 Okay. I'm looking at it. 02:58

21 Q Okay.

22 Exhibit 5 [sic] appears to be your  
23 application for the Apparel Designer I Jordan role,  
24 and it indicates that the application was created  
25 November 21st, 2016. 02:58

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CERTIFICATION OF CERTIFIED SHORTHAND REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

The foregoing proceedings were taken before me remotely at the time set forth;

That any witnesses in the foregoing proceedings, prior to testifying, were placed under oath;

That a verbatim record of the proceedings was made by me using machine shorthand, which was thereafter transcribed under my direction;

Further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any of the parties.

IN WITNESS WHEREOF, I hereby subscribe my name this 26th day of January, 2021.



Heidi Hummel-Grant

Certified Shorthand Reporter No. 12556

Cahill, et al v. Nike  
Lindsay Elizabeth Deposition Errata


<b>Page : Line</b>	<b>Reads</b>	<b>Should Read</b>	<b>Reason</b>
30:10-11	“24 Nation”	24 Notion	To clarify details and correct an inadvertent error
43:12	“No.”	“I did not supervise any Summit employees. However, I did supervise contractors when we brought them on to assist with our workload. I would give them feedback on their tasks and ensure that they completed them correctly.”	To clarify and provide additional details
67:1	“Phil Hodgson”	Jared Brandt	To correct a transcription error
73:15-18	“These were things that I had not left around -- she would single me out, and she would frustratingly be like, "Why haven't you cleaned this? Can you please clean this up?"	“These were things that I had not left around and she would single me out. She would frustratingly say, ‘Why haven't you cleaned this? Can you clean this up?’”	To clarify details and correct an inadvertent error
81:16-18	“Stevenson”	Stephenson	To correct a transcription error
95:16	“Jerry”	Jared	To correct a transcription error
183:15	“She wasn't in a director role, but she was still doing a lot of the design work.”	“She was in a director role, but she was still doing a lot of the design work.”	To correct a transcription error

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Page : Line	Reads	Should Read	Reason
276:12	"No."	"No. I am not individually seeking emotional distress damages."	To clarify and provide additional details

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 02 / 19 / 2021 in 02/19/2021.

  
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Lindsay Elizabeth